United States
of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE *106th* CONGRESS, FIRST SESSION

Vol. 145 WASHINGTON, TUESDAY, FEBRUARY 9, 1999 *No. 23*

Senate

The Senate met at 1:05 p.m. and was called to order by the Chief Justice of the United States.

TRIAL OF WILLIAM JEFFERSON CLINTON, PRESIDENT OF THE UNITED STATES

The CHIEF JUSTICE. The Senate will convene as a Court of Impeachment. The Chaplain will offer a prayer.

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Almighty God, we renew our trust in You when we realize how much You have entrusted to us. We are stunned by the psalmist's reminder that You have crowned us with glory and honor and given us responsibility over the work of Your hands. We renew our dependence on You as we assume this breathtaking call to courageous leadership.

Help the Senators to claim Your promised glory and honor. Imbue them with Your own attributes and strengthen their desire to do what is right and just. As they humbly cast before You any crowns of position or pride, crown them with Your presence and power. In Your holy Name. Amen.

The CHIEF JUSTICE. The Sergeant at Arms will make proclamation.

The Sergeant at Arms, James W. Ziglar, made proclamation as follows:

Hear ye! Hear ye! Hear ye! All persons are commanded to keep silent, on pain of imprisonment, while the Senate of the United States is sitting for the trial of the articles of impeachment exhibited by the House of Representatives against William Jefferson Clinton, President of the United States.

THE JOURNAL

The CHIEF JUSTICE. If there is no objection, the Journal of proceedings of the trial are approved to date.

The Chair recognizes the majority leader.

Mr. LOTT. Thank you, Mr. Chief Justice.

ORDER OF PROCEDURE

Mr. LOTT. This afternoon, the Senate will begin final deliberations on the articles of impeachment. However, pursuant to S. Res. 30, a Senator may at this time offer a motion to suspend the rules to allow the final deliberations to remain open. That motion is not amendable and no motions to that motion may be offered. Therefore, I expect at least one vote to occur shortly. Following that vote, if the motion is defeated, I will move to close deliberations. If that motion should be adopted, the Senate will begin full deliberations, with each Senator allocated 15 minutes to speak. And I note that that will be true whether it is in open or closed session, although Senator DASCHLE and I may have some further comments to make about that later on.

I note that if each Senator uses his or her entire debate time, the proceedings will take 25 hours, not including breaks and recesses. Therefore, I remind all Senators that Lincoln gave his Gettysburg Address in less than 3 minutes and Kennedy's inaugural address was slightly over 7 minutes. But certainly every Senator will have his or her opportunity to speak for up to 15 minutes, if that is their desire, and, of course, we would also need to communicate with the Chief Justice about the time of the proceedings.

I expect that we will try to go until about 6 or 6:30 this afternoon. I want to confer with Senator DASCHLE, but I think maybe we will try to begin earlier tomorrow and go throughout the day into the early evening. Again, we do have to take into consideration the fact that about 7 or 8 hours will be the absolute maximum we will probably be able to do in a single day. We will talk further about that and make an announcement before we conclude today.

I now yield the floor to the Senator from Pennsylvania, Senator SPECTER, for the purpose of propounding a unanimous consent request.

The CHIEF JUSTICE. The Chair recognizes Senator SPECTER.

UNANIMOUS-CONSENT REQUEST

Mr. SPECTER. Mr. Chief Justice, on behalf of the leader, and in my capacity as a copresider for the Senate at the deposition of Mr. Sidney Blumenthal, I ask unanimous consent that the parties be allowed to take additional discovery, including testimony on oral deposition of Mr. Christopher Hitchens, Ms. Carol Blue, Mr. R. Scott Armstrong and Mr. Sidney Blumenthal with regard to possible fraud on the Senate by alleged perjury in the deposition testimony of Mr. Sidney Blumenthal with respect to allegations that he, Mr. Sidney Blumenthal, was involved with the dissemination beyond the White House of information detrimental to the credibility of Ms. Monica Lewinsky, and that pursuant to the authority of title II of Senate Resolution 30, the Chief Justice of the United States, through the Secretary of the Senate, shall issue subpoenas for the taking of such testimony at a time and place to be determined by the majority leader after consultation with the Democratic leader, and, further, that these depositions be conducted pursuant to the procedures set forth in title II of Senate Resolution 30, except that the last four sentences of section 204 shall not apply to these depositions, provided, further, however, that the final sentence of section 204 shall apply to the deposition of Mr. Sidney Blumenthal.

The CHIEF JUSTICE. Is there objection?

Mr. DASCHLE. Mr. Chief Justice, I object.

The CHIEF JUSTICE. Objection is heard.

Mr. LOTT addressed the Chair.

The CHIEF JUSTICE. The Chair recognizes the majority leader.

MOTION TO SUSPEND THE RULES

Mr. LOTT. On behalf of myself and Senator DASCHLE, I move to suspend the rules on behalf of Senators HUTCHISON, HARKIN, and others in order to conduct open deliberations.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Mr. WELLSTONE addressed the Chair.

The CHIEF JUSTICE. The Senator from Minnesota.

Mr. WELLSTONE. I ask unanimous consent that there be a 40-minute debate, equally divided, between the leaders or their designees in open session on the motion to suspend the rules.

The CHIEF JUSTICE. Is there objection?

Mr. GREGG. I object.

The CHIEF JUSTICE. Objection is heard.

The question is on the motion to suspend the rules. The yeas and nays are automatic. The clerk will call the roll.

The legislative clerk called the roll.

The yeas and nays resulted—yeas 59, nays 41, as follows:

[Rollcall Vote No. 15]

[Subject: Lott motion to suspend the rules]

YEAS—59

Abraham	Feinstein	Lincoln
Akaka	Gorton	Lugar
Baucus	Graham	McCain
Bayh	Hagel	Mikulski
Biden	Harkin	Moynihan
Bingaman	Hollings	Murray
Boxer	Hutchison	Reed
Breaux	Inouye	Reid
Bryan	Jeffords	Robb
Byrd	Johnson	Rockefeller
Cleland	Kennedy	Sarbanes
Collins	Kerrey	Schumer
Conrad	Kerry	Smith (OR)
Daschle	Kohl	Snowe
DeWine	Kyl	Specter
Dodd	Landrieu	Stevens
Dorgan	Lautenberg	Torricelli
Durbin	Leahy	Wellstone
Edwards	Levin	Wyden
Feingold	Lieberman	

NAYS—41

Allard	Enzi	Murkowski
Ashcroft	Fitzgerald	Nickles
Bennett	Frist	Roberts
Bond	Gramm	Roth
Brownback	Grams	Santorum
Bunning	Grassley	Sessions
Burns	Gregg	Shelby
Campbell	Hatch	Smith (NH)
Chafee	Helms	Thomas
Cochran	Hutchinson	Thompson
Coverdell	Inhofe	Thurmond
Craig	Lott	Voinovich
Crapo	Mack	Warner
Domenici	McConnell	

The CHIEF JUSTICE. On this vote the yeas are 59, the nays are 41. Two-thirds of those Senators voting—a quorum being present—not having voted in the affirmative, the motion is not agreed to.

Mr. LOTT. Mr. Chief Justice, I suggest the absence of a quorum.

The CHIEF JUSTICE. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. LOTT. Mr. Chief Justice, I ask unanimous consent that the order for the quorum call be rescinded.

The CHIEF JUSTICE. In the absence of objection, so ordered.

Mr. LOTT. Mr. Chief Justice, I want to make this reminder: Only those people who are properly authorized to be on the floor of the Senate should be here. The Sergeant at Arms will act accordingly.

Now, Mr. Chief Justice, there is a desire by a number of Senators that it be possible for their statements, even in closed session, to be made a part of the RECORD. Senator DASCHLE and I have talked a great deal about this. We think this is an appropriate way to proceed.

MOTION RELATING TO RECORD OF PROCEEDINGS HELD IN CLOSED SESSION

Mr. LOTT. Therefore, I send this motion to the desk: That the record of the proceedings held in closed session for any Senator to insert their final deliberations on the articles of impeachment shall be published in the CONGRESSIONAL RECORD at the conclusion of the trial.

The CHIEF JUSTICE. The clerk will read the motion.

The legislative clerk read as follows:

The Senator from Mississippi [Mr. LOTT] for himself and Mr. DASCHLE, moves as follows:

That the record of the proceedings held in closed session for any Senator to insert their final deliberations on the Articles of Impeachment shall be published in the Congressional Record at the conclusion of the trial.

Mr. LOTT. Mr. Chief Justice, so everybody can understand this, may I be recognized?

The CHIEF JUSTICE. The majority leader is recognized.

Mr. LOTT. It is the desire of one and all to have the opportunity for this record to be made. After the trial is concluded, Senators can have their statements in the closed session put into the CONGRESSIONAL RECORD—in the record of the trial. There may be Senators that choose, for whatever reason, not to do it in that way at that time. Senator DASCHLE and I have talked a great deal about this. We think this is the fair way to make that record. We urge that it be adopted.

Mrs. FEINSTEIN. Mr. Chief Justice, point of clarification.

The CHIEF JUSTICE. The Senator from California, Mrs. FEINSTEIN, is recognized.

Mrs. FEINSTEIN. Mr. Leader, can I ask a point of clarification? Does this mean that repartee between Members will not be recorded, but just the statement as the Member submits it?

Mr. LOTT. Mr. Chief Justice, if I could respond to that, I think that would be up to the Senators. That has been one of my points. I hope we won't just have speeches and that, in fact, we will have deliberations. As we have found ourselves in previous closed sessions, almost uncontrollably we wound up discussing and talking with each other. I hope that if we come to that, the Senators involved in the exchange would make that a part of the record and part of history. I believe they would have that right under this proposal.

Mr. DASCHLE. If the leader will yield for the purpose of clarification, I may have misunderstood what the majority leader described here. But our intent would be to allow statements to be inserted into the CONGRESSIONAL RECORD, not into the hearing record.

Mr. LOTT. That is correct. I misstated that.

Mr. DASCHLE. So that people understand, this would actually allow you the opportunity to insert your statement into the CONGRESSIONAL RECORD, succeeding the votes on the two articles.

Mr. WELLSTONE addressed the Chair.

The CHIEF JUSTICE. The Senator from Minnesota, Mr. WELLSTONE, is recognized.

Mr. WELLSTONE. Mr. Chief Justice, I have a question for the majority leader. I might not have heard this the right way. This would allow any Senator who so wishes to have his or her statements made in all of our—not just the final deliberations, but this would cover all of our sessions that have been in closed session; is that correct or not?

Mr. LOTT. Mr. Chief Justice, I believe this would be applicable only to the final deliberations.

Mr. WELLSTONE. Mr. Chief Justice, if I could ask the majority leader whether he might be willing—it seems to me that if this is the principle, I wonder if he would amend his request to any Senator who wants to—and it is up to the Senator—this is far different than having our final deliberations a matter of public record, which is what I think we should do, but what you are saying is any Senator who so wishes can do so. Might that not apply to all of the closed sessions we had? It seems to me that the same principle applies.

Mr. LOTT. That is not what is in this proposal. I would like to think about that and discuss it with the Senator from Minnesota and others. I remember making a passionate speech, but I had no prepared notes; and so I could not put it into the RECORD if I wanted to when we were in one of those closed sessions.

I honestly had not considered that. This was aimed at the closing deliberations. I think we need to give some thought to reaching back now to the other closed sessions before we move in that direction.

Mr. CRAIG addressed the Chair.

The CHIEF JUSTICE. The Senator from Idaho, Mr. CRAIG, is recognized.

Mr. CRAIG. Mr. Chief Justice, will the majority leader yield for a question?

Mr. LOTT. I would be glad to yield, Mr. Chief Justice.

Mr. CRAIG. Is my understanding correct that your motion would keep this session of deliberations closed, except for those Senators who would choose to have their statements become a part of the CONGRESSIONAL RECORD, and that it would be the choice of the individual Senators, and that the deliberations of the closed session would remain closed unless otherwise specified by each individual Senator, specific to their statements; is that a fair understanding?

Mr. LOTT. Mr. Chief Justice, that is an accurate understanding, and that is with the presumption that we will go into closed session, and such a motion will be made in short order.

I want to also clarify that this is made on behalf of Senator DASCHLE and myself. We have consulted a great deal on this and we have both been thinking about doing something like this, but we never put it on paper until a moment ago.

Mr. CRAIG. I thank the leader.

Mr. COVERDELL addressed the Chair.

The CHIEF JUSTICE. The Senator from Georgia, Senator COVERDELL, is recognized.

Mr. COVERDELL. I want to make an inquiry to the leader in response to the question by the Senator from California, who alluded to actual deliberations and statements among Senators. I assume that in order to go into the CONGRESSIONAL RECORD, it would require all of the participants of the colloquy——

The CHIEF JUSTICE. The Parliamentarian tells me that this is all out of order.

Mr. LOTT. Mr. Chief Justice, if I may, in a moment I will make a motion to close the doors for deliberations. However, we have to dispose of this.

The CHIEF JUSTICE. The question is on the motion——

Mr. LEAHY. Mr. Chief Justice, I ask consent to ask the majority leader one follow-up question on his motion.

The CHIEF JUSTICE. Without objection.

Mr. LEAHY. Mr. Chief Justice, I want to make sure I fully understand the distinguished majority leader. Our vote on what we do on the record does not include a vote on closing the session itself, it simply assumes that vote carries?

Mr. LOTT. That is correct. That is my understanding.

Mr. HARKIN addressed the Chair.

The CHIEF JUSTICE. The Chair recognizes the Senator from Iowa, Mr. HARKIN.

Mr. HARKIN. Mr. Chief Justice, again, I ask consent that I be able to ask the majority leader a question regarding the ethics.

The CHIEF JUSTICE. Without objection.

Mr. HARKIN. I have a question regarding the ethics rules. Under this proposed motion, could a Senator give his or her statement in public and then give the same statement in closed session and still not violate the ethics rules? I am concerned about how we might want to follow that.

I yield to the head of the Ethics Committee for clarification.

Mr. SMITH of New Hampshire. If the motion carries, as has been outlined by the majority leader, you have every right to release your statement. That would not violate rule 29.5.

Mr. HARKIN. I could do whatever——

Mr. SMITH of New Hampshire. Your statement, yours, not anybody else's.

Mrs. MURRAY addressed the Chair.

The CHIEF JUSTICE. The Senator from Washington, Mrs. MURRAY, is recognized.

Mr. MURKOWSKI. Mr. Chief Justice, I ask consent to ask the majority leader a point of clarification.

The CHIEF JUSTICE. Without objection.

Mr. MURKOWSKI. If we reference another Senator's remarks in our statements, would we have to get that other Senator's consent in order to submit our statement, then, for the RECORD?

Mr. LOTT. I am not chairman of the Ethics Committee, but I am assured by those on the committee that you would have to do so. Are we ready to move forward?

Mr. KERRY addressed the Chair.

The CHIEF JUSTICE. The Senator from Massachusetts, Mr. KERRY, is recognized,

Mr. KERRY. Mr. Chief Justice, I ask consent that I be permitted to ask a point of clarification.

The CHIEF JUSTICE. Without objection.

Mr. KERRY. I ask the majority leader this: He mentioned that he hoped during the deliberations that there would be more than just speeches, that there would be a process of colloquy. I was wondering if he was contemplating how that would work because I think under the rules we are limited to one intervention of a specific time period. Does the majority leader contemplate approaching that difficulty?

Mr. LOTT. Mr. Chief Justice, I have discussed this with the Democratic leader, and there is no ironclad rule. You know, in our other closed session when we sort of got on a roll, we yielded additional time to each other, and then at some point we started to have a round robin. The Chief Justice probably thought it was all completely out of order, but he allowed us to go forward. I think we will have to deal with that when we get there. I think, as has been the case all the way along, we will be understanding of each other and try to make these deliberations genuine deliberations. I think it would benefit us all in the final result.

Before I make a motion to close the doors, I yield to the Senator from Texas, Mrs. HUTCHISON, for a parliamentary inquiry.

The CHIEF JUSTICE. We have a motion, do we not?

Mr. LOTT. I beg your pardon.

The CHIEF JUSTICE. However amorphous it may be. (Laughter.)

The question is on agreeing to the motion.

The motion was agreed to.

Mr. LOTT. Thank you, Mr. Chief Justice, for that amorphous ruling. (Laughter.)

I yield to the Senator from Texas for a parliamentary inquiry.

The CHIEF JUSTICE. The Chair recognizes the Senator from Texas, Senator HUTCHISON.

Mrs. HUTCHISON. Mr. Chief Justice, rule XX says that while the Senate is in session the doors shall remain open unless the Senate directs that the doors be closed.

My inquiry is this: If the Senate, by a majority, voted not to direct the doors to be closed, would it be in order to proceed to deliberations with the doors open?

The CHIEF JUSTICE. The Chair is of the view that it would not be in order for this reason: On the initial reading of rules XX and XXIV of the Senate impeachment rules, it would not appear to mandate that the deliberations and debate occur in closed session, but only to permit it. But it is clear from a review of the history of the rules that the committee that was established in 1868 to create the rules specifically intended to require closed sessions for debate and deliberation. Senator Howard reported the rules for the committee and clearly understated his intention, and Chief Justice Chase, in the Andrew Johnson trial, stated in response to an inquiry, ''There can be no deliberation unless the doors are closed. There can be no debate under the rules unless the doors be closed.''

I understand from the Parliamentarian that it has been the consistent practice of the Senate for the last 130 years in impeachment trials to require deliberations and debate by the Senate to be held in closed session. Therefore—though there may be some ambiguity between the two rules—my ruling is based partly on deference of the Senate's longstanding practice.

In the opinion of the Chair, there can be no deliberation on any question before the Senate in open session unless the Senate suspends its rules, or consent is granted.

Mrs. HUTCHISON. Thank you.

MOTION TO CLOSE THE DOORS FOR FINAL DELIBERATION

Mr. LOTT. Mr. Chief Justice, with that record now having been made, I now move that the doors for final deliberations be closed, and I ask unanimous consent that the yeas and nays be vitiated.

The CHIEF JUSTICE. Is there objection?

Mr. WELLSTONE addressed the Chair.

The CHIEF JUSTICE. The Senator from Minnesota is recognized.

Mr. WELLSTONE. Mr. Chief Justice, the majority leader is trying to get the floor, but I wonder whether I could not move that any Senator be allowed, if he or she makes it their choice, to have our statements that have been made and passed in closed session left entirely up to us to also be a part of the CONGRESSIONAL RECORD.

Mr. LOTT. Mr. Chief Justice, if I could respond, give us an opportunity to discuss this with you. We will have another opportunity to do that. I think maybe we can work something out. I would like to make sure we thought it through, if that is appropriate, Mr. Chief Justice.

The CHIEF JUSTICE. Is there objection?

Mr. HARKIN. Mr. Chief Justice, I object.

The CHIEF JUSTICE. Objection is heard.

The yeas and nays are automatic. The clerk will call the roll.

The bill clerk called the roll.

The result was announced—yeas 53, nays 47, as follows:

[Rollcall Vote No. 16]

[Subject: Motion to close the doors]

YEAS—53

Abraham	Fitzgerald	McConnell
Allard	Frist	Murkowski
Ashcroft	Gorton	Nickles
Bennett	Gramm	Roberts
Bond	Grams	Roth
Brownback	Grassley	Santorum
Bunning	Gregg	Sessions
Burns	Hagel	Shelby
Campbell	Hatch	Smith (NH)
Chafee	Helms	Smith (OR)
Cochran	Hutchinson	Snowe
Collins	Inhofe	Stevens
Coverdell	Jeffords	Thomas
Craig	Kyl	Thompson
Crapo	Lott	Thurmond
DeWine	Lugar	Voinovich
Domenici	Mack	Warner
Enzi	McCain	

NAYS—47

Akaka	Feingold	Lieberman
Baucus	Feinstein	Lincoln
Bayh	Graham	Mikulski
Biden	Harkin	Moynihan
Bingaman	Hollings	Murray
Boxer	Hutchison	Reed
Breaux	Inouye	Reid
Bryan	Johnson	Robb
Byrd	Kennedy	Rockefeller
Cleland	Kerrey	Sarbanes
Conrad	Kerry	Schumer
Daschle	Kohl	Specter
Dodd	Landrieu	Torricelli
Dorgan	Lautenberg	Wellstone
Durbin	Leahy	Wyden
Edwards	Levin	

The motion was agreed to.

CLOSED SESSION

(At 1:52 p.m., the doors of the Chamber were closed. The proceedings of the Senate were held in closed session until 6:27 p.m., at which time, the following occurred.)

OPEN SESSION

Mr. LOTT. Mr. Chief Justice, I ask unanimous consent that the Senate resume open session.

The CHIEF JUSTICE. Without objection, it is so ordered.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. LOTT. Mr. Chief Justice, I ask unanimous consent that the Senate stand adjourned until 10 a.m. tomorrow. I further ask unanimous consent that immediately following the prayer on Wednesday, the Senate resume closed session for further deliberations of the pending articles of impeachment.

The CHIEF JUSTICE. Is there objection? There being no objection, it is so ordered.

Mr. LOTT. All Senators please remain standing at your desk.

Thereupon, at 6:27 p.m., the Senate, sitting as a Court of Impeachment, adjourned until Wednesday, February 10, 1999, at 10 a.m.

(Pursuant to an order of January 26, 1999, the following was submitted at the desk during today's session:)

REPORT CONCERNING THE AGREEMENT FOR COOPERATION WITH THE GOVERNMENT OF ROMANIA ON THE PEACEFUL USES OF NUCLEAR ENERGY—MESSAGE FROM THE PRESIDENT–PM 7

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Foreign Relations.

To the Congress of the United States:

I am pleased to transmit to the Congress, pursuant to sections 123 b. and 123 d. of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2153(b) and (d)), the text of a proposed Agreement for Cooperation Between the Government of the United States of America and the Government of Romania Concerning Peaceful uses of Nuclear Energy, with accompanying annex and agreed minute. I am also pleased to transmit my written approval, authorization, and determination concerning the agreement, and the memorandum of the Director of the United States Arms Control and Disarmament Agency with the Nuclear Proliferation Assessment Statement concerning the agreement. The joint memorandum submitted to me by the Secretary of State and the Secretary of Energy, which includes a summary of the provisions of the agreement and various other attachments, including agency views, is also enclosed.

The proposed agreement with Romania has been negotiated in accordance with the Atomic Energy Act of 1954, as amended by the Nuclear Non-Proliferation act of 1978 and as otherwise amended. In my judgment, the proposed agreement meets all statutory requirements and will advance the nonproliferation and other foreign policy interests of the United States. The agreement provides a comprehensive framework for peaceful nuclear cooperation between the United States and Romania under appropriate conditions and controls reflecting our common commitment to nuclear nonproliferation goals. Cooperation until now has taken place under a series of supply agreements dating back to 1966 pursuant to the agreement for peaceful nuclear cooperation between the United States and the International Atomic Energy Agency (IAEA).

The Government of Romania supports international efforts to prevent the spread of nuclear weapons to additional countries. Romania is a party to the Treaty on the Nonproliferation of Nuclear Weapons (NPT) and has an agreement with the IAEA for the application of full-scope safeguards to its nuclear program. Romania also subscribes to the Nuclear Suppliers Group guidelines, which set forth standards for the responsible export of nuclear commodities for peaceful use, and to the guidelines of the NPT Exporters Committee (Zangger Committee), which oblige members to require the application of IAEA safeguards on nuclear exports to nonnuclear weapon states. In addition, Romania is a party to the Convention on the Physical Protection of Nuclear Material, whereby it agrees to apply international standards of physical protection to the storage and transport of nuclear material under its jurisdiction or control. Finally, Romania was one of the first countries to sign the Comprehensive Test Ban Treaty.

I believe that peaceful nuclear cooperation with Romania under the proposed new agreement will be fully consistent with, and supportive of, our policy of responding positively and constructively to the process of democratization and economic reform in Central Europe. Cooperation under the agreement also will provide opportunities for U.S. business on terms that fully protect vital U.S. national security interests.

I have considered the views and recommendations of the interested agencies in reviewing the proposed agreement and have determined that its performance will promote, and will not constitute an unreasonable risk to, the common defense and security. Accordingly, I have approved the agreement and authorized its execution and urge that the Congress give it favorable consideration.

Because this agreement meets all applicable requirements of the Atomic Energy Act, as amended, for agreements for peaceful nuclear cooperation, I am transmitting it to the Congress without exempting it from any requirement contained in section 123 a. of that Act. This transmission shall constitute a submittal for purposes of both sections 123 b. and 123 d. of the Atomic Energy Act. My Administration is prepared to begin immediately the consultations with the Senate Foreign Relations and House International Relations Committees as provided in section 123 b. Upon completion of the 30-day continuous session period provided for in section 123 b., the 60-day continuous session period provided for in section 123 d. shall commence.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *February 9, 1999.*

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–1619. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Drawbridge Operation Regulations: Passaic River, NJ'' Docket 01–97–134) received on February 5, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1620. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; Explosive Loads and Detonations Bath Iron

Works, Bath, ME'' (Docket 01–99–006) received on February 5, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1621. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; Sunken Fishing Vessel Cape Fear, Buzzards Bay Entrance'' (Docket 01–99–002) received on February 5, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1622. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Coast Guard Child Development Services Programs'' (USCG–1998–3821) received on February 5, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1623. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone: Swift Creek Channel, Freeport, NY'' (Docket 01–98–184) received on February 5, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1624. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Modification of Class E Airspace; Fremont, OH'' (Docket 98–AGL–56) received on February 5, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1625. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Federal Motor Vehicle Safety Standards; Occupant Crash Protection'' (Docket NHTSA–98–4980) received on February 5, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1626. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Participation of Disadvantaged Business Enterprises in Department of Transportation Programs'' (RIN2105–AB92) received on February 5, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1627. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Allison Engine Company Model AE 3007A and AE 3007A1/1 Turbofan Engines'' (Docket 98–ane–14–AD) received on February 5, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1628. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Boeing Model 737–100, –200, –300, –400, and –500 Series Airplanes'' (Docket 98–NM–50–AD) received on February 5, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1629. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Revision of Gate Requirements for High-Lift Device Controls'' (Docket 28930) received on February 5, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1630. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Modification of San Diego Class B Airspace Area; CA'' (Docket 97–AWA–6) received on February 5, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1631. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendments to Restricted Areas 5601D and 5601E; Fort Sill, OK'' (Docket 96–ASW–40) received on February 5, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1632. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Class E Airspace; Buena Vista, CO'' (Docket 98–ANM–20) received on February 5, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1633. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment to Class E Airspace; Anaktuvuk Pass, AK'' (Docket 98–AAL–24) received on February 5, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1634. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Emprsa Brasilier de Aeronautica S.A. (EMBRAER) Model EMB–145 Series Airplanes'' (Docket 98–NM–386–AD) received on February 5, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1635. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; McDonnell Douglass Model DC–8 Series Airplanes Modified in Accordance with Supplemental Type Certificate SA1802SO'' (Docket 98–NM–379–AD) received on February 5, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1636. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Federal Motor Vehicle Safety Standards; Occupant Protection In Interior Impact'' (Docket NHTSA–98–5033) received on February 5, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1637. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Safety Zones, Security Zones, and Special Local Regulations'' (USCG–1998–4895) received on February 5, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1638. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone: Waters Inside Apra Outer Harbor, Guam'' (RIN2115–AA97) received on February 5, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1639. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone: Vicinity of Naval Anchorage B, Apra Harbor, Guam'' (COTP Guam 98–001) received on February 5, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1640. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone: Clear Lake, Houston, TX'' (COTP Houston-Galveston 98–008) received on February 5, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1641. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone: Kanawha River, mile 83 to 90, West Virginia'' (COTP Huntington 98–004) received on February 5, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1642. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone Regulations; Atlantic Ocean, Mayport, FL'' (COTP Jacksonville 98–061) received on February 5, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1643. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone Regulations; Lake Pontchartrain, New Orleans, La.'' (COTP New Orleans, LA Reg. 98–012) received on February 5, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1644. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone Regulations; Lake Pontchartrain, Kenner, La.'' (COTP New Orleans, LA Reg. 98–013) received on February 5, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1645. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone Regulations; Mile 94.0 to Mile 95.0, Lower Mississippi River, Above Head of Passes'' (COTP New Orleans, LA Reg. 98–014) received on February 5, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1646. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone Regulations; Mile 94.0 to Mile 95.0, Lower Mississippi River, Above Head of Passes'' (COTP New Orleans, LA Reg. 98–016) received on February 5, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1647. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone Regulations; Mile 94.0 to Mile 95.0, Lower Mississippi River, Above Head of Passes'' (COTP New Orleans, LA Reg. 98–017) received on February 5, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1648. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone Regulations; Mile 94.0 to Mile 96.0, Lower Mississippi River, Above Head of Passes'' (COTP New Orleans, LA Reg. 98–020) received on February 5, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1649. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone Regulations; 29–21.36N 89–47.28W, Lake Washington'' (COTP New Orleans, LA Reg. 98–022) received on February 5, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1650. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone Regulations; Ohio River Mile 970–974'' (COTP Paducah, KY Regulation 98–002) received on February 5, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1651. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone Regulations; Ohio River Mile 901 to 904'' (COTP Paducah, KY Regulation 98–003) received on February 5, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1652. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone Regulations; Mississippi River Mile 929 to 931'' (COTP Paducah, KY Regulation 98–004) received on February 5, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1653. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone: Fourth of July Celebration, Neches River, Beaumont, TX'' (COTP Port Arthur, TX Regulation 98–009) received on February 5, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1654. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone: Coast Guard Cutter Sweetbrier (WLB–405) Deployment Exercise of Vessel of Opportunity Skimming System (Voss) in Prince William Sound'' (COTP Prince William Sound 98–001) received on February 5, 1998; to the Committee on Commerce, Science, and Transportation.

EC–1655. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Safety/Security Zone; San Diego Bay, North Pacific Ocean, San Diego, CA'' (COTP San Diego Bay 98–017) received on February 5, 1998; to the Committee on Commerce, Science, and Transportation.

EC–1656. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; San Francisco Bay, San Francisco, CA'' (COTP San Francisco Bay; 98–020) received on February 5, 1998; to the Committee on Commerce, Science, and Transportation.

EC–1657. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; San Francisco Bay, CA'' (COTP San Francisco Bay; 97–007) received on February 5, 1998; to the Committee on Commerce, Science, and Transportation.

EC–1658. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Safety/Security Zone; San Francisco Bay, San Pablo Bay, Carquinez Straits, and Suisun Bay, CA'' (COTP SF Bay; 98–017) received on February 5, 1998; to the Committee on Commerce, Science, and Transportation.

EC–1659. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; San Francisco Bay, San Francisco, CA'' (COTP SF Bay; 98–022) received on February 5, 1998; to the Committee on Commerce, Science, and Transportation.

EC–1660. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone Regulations: San Juan, Puerto Rico'' (COTP San Juan 98–052) received on February 5, 1998; to the Committee on Commerce, Science, and Transportation.

EC–1661. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone Regulations: San Juan, Puerto Rico'' (COTP San Juan 98–057) received on February 5, 1998; to the Committee on Commerce, Science, and Transportation.

EC–1662. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone Regulations: Ports in Puerto Rico and the U.S. Virgin Islands'' (COTP San Juan 98–060) received on February 5, 1998; to the Committee on Commerce, Science, and Transportation.

EC–1663. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone Regulations: Calibogue Sound, Hilton Head Island, SC'' (COTP Savannah 98–040) received on February 5, 1998; to the Committee on Commerce, Science, and Transportation.

EC–1664. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Security Zone; Mississippi River, Mile 179.2 to Mile 182.5'' (COTP St. Louis 98–001) received on February 5, 1998; to the Committee on Commerce, Science, and Transportation.

EC–1665. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone Regulations: Tampa Bay, Florida'' (COTP Tampa 98–063) received on February 5, 1998; to the Committee on Commerce, Science, and Transportation.

EC–1666. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; New York Super Boat Race, New York'' (Docket 01–98–002) received on February 5, 1998; to the Committee on Commerce, Science, and Transportation.

EC–1667. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; America's Sail 98 Parade of Tall Ships, Mock Sea Battle, and Fireworks Displays, Western Long Island Sound and Hempstead Harbor, New York'' (Docket 01–98–049) received on February 5, 1998; to the Committee on Commerce, Science, and Transportation.

EC–1668. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; 1998 Goodwill Games Fireworks and Triathlon, Hudson River, New York'' (Docket 01–98–059) received on February 5, 1998; to the Committee on Commerce, Science, and Transportation.

EC–1669. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; Playland Park Fireworks, Western Long Island Sound, Rye, New York'' (Docket 01–98–068) received on February 5, 1998; to the Committee on Commerce, Science, and Transportation.

EC–1670. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; North Haven Festival, North Haven, ME'' (Docket 01–98–075) received on February 5, 1998; to the Committee on Commerce, Science, and Transportation.

EC–1671. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; Briggs Red Carpet Associates Fireworks, New York Harbor, Upper Bay'' (Docket 01–98–077) received on February 5, 1998; to the Committee on Commerce, Science, and Transportation.

EC–1672. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; International Salute to the USS Constitution, Boston Harbor, Boston, MA'' (Docket 01–98–081) received on February 5, 1998; to the Committee on Commerce, Science, and Transportation.

EC–1673. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; Fleet's Albany Riverfest, Hudson River, New York'' (Docket 01–98–086) received on February 5, 1998; to the Committee on Commerce, Science, and Transportation.

EC–1674. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; Swans Island 4th of July Fireworks, Swans Island, ME'' (Docket 01–98–094) received on February 5, 1998; to the Committee on Commerce, Science, and Transportation.

EC–1675. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; Rensselaer Fest '98, Hudson River, New York'' (Docket 01–98–088) received on February 5, 1998; to the Committee on Commerce, Science, and Transportation.

EC–1676. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; Castine Harbor 4th of July Fireworks Display, Castine, ME'' (Docket 01–98–095) received on February 5, 1998; to the Committee on Commerce, Science, and Transportation.

EC–1677. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; Eastport 4th of July Fireworks Display, Eastport, ME'' (Docket 01–98–096) received on February 5, 1998; to the Committee on Commerce, Science, and Transportation.

EC–1678. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; Boston Pops Concert Cannon Salute, Boston Harbor, Boston, MA'' (Docket 01–98–098) received on February 5, 1998; to the Committee on Commerce, Science, and Transportation.

EC–1679. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; Staten Island Fireworks, New York Harbor, Lower Bay'' (Docket 01–98–099) received on February 5, 1998; to the Committee on Commerce, Science, and Transportation.

EC–1680. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone: Booz Allen and Hamilton Fireworks, New York Harbor, Upper Bay'' (Docket 01–98–100) received on February 5, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1681. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone: Tow of the Decommissioned Aircraft Carrier, Saratoga (CV–60), Newport, RI'' (Docket 01–98–106) received on February 5, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1682. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone: Fireworks, Hammersmith Farm, Newport RI'' (Docket 01–98–109) received on February 5, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1683. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone: USCGC

Eagle Arrival/Departure, Force River, Portland, ME'' (Docket 01–98–110) received on February 5, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1684. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone: Empire Force Events Fireworks, New York Harbor, Upper Bay'' (Docket 01–98–111) received on February 5, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1685. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone: Beverly Lobster Boat Race, Beverly harbor, Beverly, MA'' (Docket 01–98–118) received on February 5, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1686. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone: New York Yacht Club Fireworks, Bar Harbor, ME'' (Docket 01–98–120) received on February 5, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1687. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone: Fort Knox Power Boat Races, Bucksport, ME'' (Docket 01–98–119) received on February 5, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1688. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone: Zenith Photo Shoot Fireworks, Hudson River, Manhattan, New York'' (Docket 01–98–121) received on February 5, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1689. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone: Opsail Maine Fireworks, Portland, ME'' (Docket 01–98–126) received on February 5, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1690. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone: Emergency Dive Operations, Rockport, ME'' (Docket 01–98–132) received on February 5, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1691. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone: Staten Island Fireworks, New York Harbor, Lower Bay'' (Docket 01–98–099) received on February 5, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1692. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone: William Morris Agency Fireworks, New York Harbor, Upper Bay'' (Docket 01–98–136) received on February 5, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1693. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone: Fireworks, Falmouth, MA'' (Docket 01–98–137) received on February 5, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1694. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone: Tow of the Decommissioned Aircraft Carrier, Forrestal (CV–59), Newport, RI'' (Docket 01–98–142) received on February 5, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1695. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone: HM Endeavour Arrival/Departure, Piscataqua River, Portsmouth, NH'' (Docket 01–98–143) received on February 5, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1696. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone: Princess Cruise Lines Fireworks, New York Harbor, Upper Bay'' (Docket 01–98–145) received on February 5, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1697. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone: Tow of the Decommissioned Battleship Iowa, (BB–61), Newport, RI'' (Docket 01–98–149) received on February 5, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1698. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone: SARCADIA 98 Exercise, Bar Harbor, ME'' (Docket 01–98–150) received on February 5, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1699. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Security Zone: Presidential Visit and United Nations General Assembly, East River, New York'' (Docket 01–98–153) received on February 5, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1700. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; convergence of the Atlantic Intracoastal Waterway and Cape Fear River Near Southport, North Carolina'' (Docket 05–98–052) received on February 5, 1999; to the Committee on Commerce, Science, and Transportation.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. MCCAIN (for himself, Mr. LEAHY, Mr. LOTT, Mr. ABRAHAM, Mr. ROBB, and Mr. ENZI):

S. 393. A bill to provide Internet access to certain Congressional documents, including certain Congressional Research Service publications, Senate lobbying and gift report filings, and Senate and Joint Committee documents; to the Committee on Rules and Administration.

By Mr. DORGAN (for himself, Mr. BAUCUS, and Mr. CONRAD):

S. 394. A bill to amend the Federal Insecticide, Fungicide, and Rodenticide Act to permit a State to register a Canadian pesticide for distribution and use within that State; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. ROCKEFELLER (for himself, Mr. SARBANES, Mr. BYRD, and Mr. HOLLINGS):

S. 395. A bill to ensure that the volume of steel imports does not exceed the average monthly volume of such imports during the 36-month period preceding July 1997; to the Committee on Finance.

By Mr. HUTCHINSON (for himself, Mr. COVERDELL, Mr. MURKOWSKI, Mr. DEWINE, Mr. ALLARD, Mr. SESSIONS, Mr. ASHCROFT, Mr. INHOFE, Mr. THOMAS, Mr. GRAMS, Mr. BUNNING, Mr. BROWNBACK, Mr. HELMS, and Mr. MCCONNELL):

S. 396. A bill to provide dollars to the classroom; to the Committee on Health, Education, Labor, and Pensions.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. MCCAIN (for himself, Mr. WARNER, Mr. LEVIN, Mr. THURMOND, Mr. KENNEDY, Mr. SMITH of New Hampshire, Mr. BINGAMAN, Mr. INHOFE, Mr. CLELAND, Ms. LANDRIEU, and Mr. ALLARD):

S. Res. 33. A resolution designating May 1999 as ''National Military Appreciation Month''; to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. MCCAIN (for himself, Mr. LEAHY, Mr. LOTT, Mr. ABRAHAM, Mr. ROBB, and Mr. ENZI):

S. 393. A bill to provide Internet access to certain Congressional documents, including certain Congressional Research Service publications, Senate lobbying and gift report filings, and Senate and Joint Committee documents; to the Committee on Rules and Administration.

CONGRESSIONAL OPENESS ACT

● Mr. MCCAIN. Mr. President, I would like to introduce the Congressional Openess Act, a bill to make selected Congressional Research Service products, lobbyist disclosure reports and Senate gift disclosure forms available over the Internet for the American people. This bipartisan legislation is sponsored by Senators LEAHY, LOTT, ABRAHAM, ROBB, and ENZI.

The Congressional Research Service (CRS) has a well-known reputation for producing high-quality reports and issue briefs that are concise, factual, and unbiased—a rarity for Washington. Many of us have used these CRS products to make decisions on a wide variety of legislative proposals and issues, including Amtrak reform, the Endangered Species Act, the Line-Item veto, and U.S. policy in Zambia. Also, we routinely send these products to our constituents in order to help them understand the important issues of our time.

My colleagues and I believe that it is important that the public be able to use this CRS information. The American public will pay $67.1 million to fund CRS' operations for fiscal year 1999. They should be allowed to see that their money is being well-spent on material that is neither confidential nor classified.

Congress can also serve two important functions by allowing public access to this information. When we give the public access to these CRS products, it will mark an important milestone in opening up the federal government. Our constituents will be able to see the research documents which influence our decisions and understand the factors that we consider before a vote. This will give the public a more accurate view of the Congressional decision-making process to counter the current prevailing cynical view.

Also, CRS reports will serve an important role in informing the public. Members of the public will be able to read these CRS products and receive a concise, accurate summary of the issues that concern them. As elected representatives, we should do what we can to promote an informed, educated public. The educated voter is best able to make decisions and petition us to do the right things here.

It is important to realize that these products are already out on the Internet. ''Black market'' private vendors can charge $49 for a single report. Other web sites have outdated CRS products on them. It is not fair for the American people to have to pay a third party for out-of-date products for which they have already footed the bill.

Last year my colleagues on the Senate Committee on Rules and Administration proposed that Senators and Committee chairmen be allowed to post CRS products as they see fit on the Internet. I appreciate this gesture, and believe that it was a first step. Today we are proposing the commonsense next step—a centralized web site.

A centralized web site will make it much easier for the public to find CRS information. The public can just go to a web site and look up those products that interest them. That would be much easier than having them go through all of our web sites to find CRS reports.

One concern about the legislation we introduced last year was that it would not protect CRS from more public scrutiny. We would like to ensure you that we do not want to put CRS in a position that would in any way alter its current mission or open it up to liability suits.

Therefore, the bill provides that this centralized web site will be accessible only through Members' and Committees' web sites. This process will preserve CRS' mission by reducing its public visibility. More importantly, it will continue to allow us to inform our constituents about how we are helping them here in Washington.

This bill also includes other safeguards to ensure that CRS will remain protected from public interference. The Director of CRS is empowered to remove any information from these reports that he believes is confidential. He also can remove the names and phone numbers of CRS employees from these products to keep the public from distracting them from doing their jobs. We have also been informed that CRS may not have permission to release copyrighted information over the Internet. While we hope that this situation can be quickly resolved, we have included a provision in this bill to allow the Director to remove unprotected copyrighted information from these reports before they are posted. Finally, we have allowed a 30-day delay between the release of these CRS products to Members of Congress and the public. This delay allows CRS to review their products, consult with us, and revise their products to ensure that only accurate, up-to-date information is available to the public.

It should be pointed out that CRS has been granted none of these protections as part of the current decentralized approach.

This bill also requires the Senate Office of Public Records to place lobbyist disclosure forms and Senate gift disclosure forms on the Internet. We have already voted to make this information available to the public. Unfortunately, the public can only get access to this information through an office in the Hart building. These provisions will give our constituents throughout the country timely access to this information.

This legislation has been endorsed by many groups including the American Association of Engineering Societies, the Congressional Accountability Project, the League of Women Voters of the U.S., and the National Association of Manufacturers.

In conclusion, we would like to urge my colleagues to join us in supporting this legislation. The Internet offers us a unique opportunity to allow the American people to have everyday access to important information about their government. We are sure you agree that a well-informed electorate can best govern our great country.

Mr. President, I ask unanimous consent that there letters of support be printed in the RECORD.

There being no objection, the materials were ordered to be printed in the RECORD, as follows:

AMERICAN ASSOCIATION OF ENGINEERING SOCIETIES,
Washington, DC, February 4, 1999.

Hon. JOHN MCCAIN,
U.S. Senate, Washington, DC.

DEAR SENATOR MCCAIN: On behalf of the Engineers Public Policy Council (EPPC) of the American Association of Engineering Societies, I want to thank you for your leadership on providing public access to Congressional Research Service (CRS) materials. EPPC believes that all citizens of the United States will benefit from being able read these materials and will enable them to better engage in the policy debates of our times.

The EPPC has had the opportunity to review a number of CRS reports that were provided via our member's congressional offices. We believe that they are of the highest quality and deserve to be made widely available.

The members of EPPC and AAES will continue to advocate that their own Senators and Representatives support this important legislation.

Again, thank you for your leadership. If we can ever be of assistance please feel free to contact me or Pete Leon, Director of Public Policy, at (202) 296–2237 x 214.

Sincerely,

DR. THEODORE T. SAITO,
1999 EPPC Chair.

CONGRESSIONAL ACCOUNTABILITY PROJECT,
Washington, DC, February 9, 1999.

Hon. JOHN MCCAIN,
U.S. Senate,
Washington, DC.

Hon. PATRICK LEAHY,
U.S. Senate,
Washington, DC.

DEAR SENATORS MCCAIN AND LEAHY: We strongly endorse the Congressional Openness Act to place important congressional documents on the Internet, including Congressional Research Service (CRS) Reports and Issue Briefs, CRS Authorization and Appropriations products, lobbyist disclosure reports, and Senate gift disclosure reports.

The Congressional Openness Act recognizes that ''it is so often burdensome, difficult and time-consuming for citizens to obtain timely access to public records of the United States Congress,'' and would help provide taxpayers with easy access to the congressional research and documents that we pay for.

CRS products are some of the finest research prepared by the federal government, on a vast range of topics. But citizens cannot obtain most CRS products directly. At present, many CRS products are available on an internal congressional intranet only for use by Members of Congress and their staffs—not the public. Barriers to obtaining CRS products serve no useful purpose, and damage citizens' ability to participate in the congressional legislative process. Citizens, scholars, journalists, librarians, businesses, and many others have long wanted access to CRS reports via the Internet.

In 1995, Congress passed the Lobbying Disclosure Act to require Washington lobbyists to disclose key information about their activities. Placing lobbyist disclosure reports on the Internet would help citizens to track patterns of influence in Congress, and to discover who is paying whom how much to lobby on what issues.

The Congressional Openness Act contains a sense of the Senate resolution that Senate and Joint Committees ''should provide access via the Internet to publicly-available committee information, documents, and proceedings, including bills, reports, and transcripts of committee meetings that are open to the public.'' Congress owns this to the American people.

In 1822, James Madison aptly described why the public must have reliable information about Congress: ''A popular Government, without popular information, or the means of acquiring it, is but a Prologue to a Farce or a Tragedy; or, perhaps both. Knowledge will forever govern ignorance: And a people who mean to be their own Governors, must arm themselves with the power which knowledge gives.''

Your bill falls squarely within the spirit of Madison's honorable words. Thank you for your efforts in making congressional documents available on the Internet.

Sincerely,

American Association of Law Libraries, American Conservative Union, American Society of Newspaper Editors, Common Cause, Computer & Communications Industry Association, Computer Professionals for Social Responsibility, Consumer Project on Technology, Congressional Accountability Project, Electronic Frontier Foundation, Fairness and Accuracy in Reporting (FAIR), Forest Service Employees

for Environmental Ethics, League of Women Voters of the U.S., National Association of Manufacturers, National Citizens Communications Lobby, National Newspaper Association, National Taxpayers Union, NetAction, OMB Watch, Project on Government Oversight, Public Citizen, Radio-Television News Directors Association, Reform Party of the United States, Taxpayers for Common Sense, U.S. Public Interest Research Group (USPIRG).●

● Mr. LEAHY. Mr. President, I am pleased to join today with Senator MCCAIN to introduce the Congressional Openness Act of 1999. I want to thank Senators ABRAHAM, ENZI, LOTT and ROBB for joining us as original cosponsors.

Our bipartisan legislation makes certain Congressional Research Service products, lobbyist disclosure reports and Senate gift disclosure forms available over the Internet to the American people.

The Congressional Research Service (CRS) has a well-known reputation for producing high-quality reports and information briefs that are unbiased, concise, and accurate. The taxpayers of this country, who pay $65 million a year to fund the CRS, deserve speedy access to these public resources and have a right to see that their money is being spent well.

The goal of our legislation to allow every citizen the same access to the wealth of information at the Congressional Research Service (CRS) as a Member of Congress enjoys today. CRS performs invaluable research and produces first-rate reports on hundreds of topics. American taxpayers have every right to direct access to these wonderful resources.

Online CRS reports will serve an important role in informing the public. Members of the public will be able to read these CRS products and receive a concise, accurate summary of the issues before the Congress. As elected representatives, we should do what we can to promote an informed, educated public. The educated voter is best able to make decisions and petition us to do the right things here in Congress.

Our legislation also ensures that private CRS products will remain protected by giving the CRS Director the authority to hold back any products that are deemed confidential. Moreover, the Director may protect the identity of CRS researchers and any copyrighted material. We can do both—protect confidential material and empower our citizens through electronic access to invaluable CRS products.

In addition, the Congressional Openness Act would provide public online access to lobbyist reports and gift disclosure forms. At present, these public records are available in the Senate Office of Public Records in Room 232 of the Hart Building. As a practical matter, these public records are accessible only to those inside the Beltway.

The Internet offers us a unique opportunity to allow the American people to have everyday access to this public information. Our bipartisan legislation would harness the power of the Information Age to allow average citizens to see these public records of the Senate in their official form, in context and without editorial comment. All Americans would have timely access to the information that we already have voted to give them.

And all of these reports are indeed ''public'' for those who can afford to hire a lawyer or lobbyist or who can afford to travel to Washington to come to the Office of Public Records in the Hart Building and read them. That is not very public. That does not do very much for the average voter in Vermont or the rest of this country outside of easy reach of Washington. That does not meet the spirit in which we voted to make these materials public, when we voted ''disclosure'' laws.

We can do better, and this bill does better. Any citizen in any corner of this country with access to a computer at home or the office or at the public library will be able to get on the Internet and for the first time read these public documents and learn the information which we have said must be disclosed.

It also is important that citizens will be able to get the information in its original, official form. At present, the information may be selected by an interested party who can afford to send a lawyer or lobbyist to the Hart Building to cull through the information. Selected information then may—or may not—be given to the press and public with commentary. Our bipartisan legislation allows citizens to get accurate information themselves, the full information in context and without editorial comment. It allows individual citizens to check the facts, to make comparisons, and to make up their own minds.

I want to commend the Senior Senator from Arizona for his leadership on opening public access to Congressional documents. I share his desire for the American people to have electronic access to many more Congressional resources. I look forward to working with him in the days to come on harnessing the power of the information age to open up the halls of Congress to all our citizens.

This is not a partisan issue; it is a good government issue. That is why the Congressional Openness Act is endorsed by such a diverse group of organizations as the Congressional Accountability Project, American Association of Law Libraries, American Conservation Union, American Society of Newspaper Editors, Common Cause, Computer & Communications Industry Association, Computer Professionals for Social Responsibility, Consumer Project on Technology, Electronic Frontier Foundation, Fairness and Accuracy in Reporting, Forest Service Employees for Environmental Ethics, League of Women Voters of the U.S., National Association of Manufacturers, National Citizens Communications Lobby, National Newspaper Association, National Taxpayers Union, NetAction, OMB Watch, Project of Government Oversight, Public Citizen, Radio-Television News Directors Association, Reform Party of the United States, Taxpayers for Common Sense and U.S. Public Interest Research Group. I want to thank each of these organizations for their support.

As Thomas Jefferson wrote, ''Information is the currency of democracy.'' Our democracy is stronger if all citizens have equal access to at least that type of currency, and that is something which Members on both sides of the aisle can celebrate and join in.

The Congressional Openness Act is an important step in informing and empowering American citizens. I urge my colleagues to join us in supporting this legislation to make available useful Congressional information to the American people.●

By Mr. DORGAN (for himself, Mr. BAUCUS, and Mr. CONRAD):

S. 394. A bill to amend the Federal Insecticide, Fungicide, and Rodenticide Act to permit a State to register a Canadian pesticide for distribution and use within that State; to the Committee on Agriculture, Nutrition, and Forestry.

PESTICIDE HARMONIZATION WITH CANADA

Mr. DORGAN. Mr. President. When the U.S.-Canada Free Trade Agreement came into effect ten years ago, part of the understanding on agriculture was that our two nations were going to move rapidly toward the harmonization of pesticide regulations. It is now a decade later and relatively little actual progress has been in harmonization that is meaningful to our agricultural producers.

Since this trade agreement took effect, the pace of Canadian spring and durum wheat, and barley exports to the United States have grown from a barely noticeable trickle into annual floods of imported grain into our markets. Over the years, I have described many factors that have produced this unfair trade relationship and unlevel playing field between farmers of our two nations. The failure to achieve harmonization in pesticides between the United States and Canada compounds this ongoing trade problem.

Our farmers are concerned that agricultural pesticides that are not available in the United States are being utilized by farmers in Canada to produce wheat, barley, and other agricultural commodities that are subsequently imported and consumed in the United States. They rightfully believe that it is unfair to import commodities produced with agricultural pesticides that are not available to U.S. producers. They believe that it is not in the interests of consumers or producers to allow such imports. However, it is not just a

difference of availability of agricultural pesticides between our two countries, but also in the pricing of these chemicals.

In recent times as the cost-price squeeze has escalated, our farmers have also been deeply concerned about pricing discrepancies for agricultural pesticides between our two countries. This past summer a survey of prices by the North Dakota Agricultural Statistics Services verified that there were significant differences in prices being paid for essentially the same pesticide by farmers in our two countries. In fact, among the half-dozen pesticides surveyed, farmers in the United States were paying between 117 percent and 193 percent higher prices than Canadian farmers. This was after adjusting for differences in currency exchange rates at that time.

As a result of the pricing concerns raised by our producers, the recent agricultural agreement between the United States and Canada included a provision for a study by the U.S. Department of Agriculture and Ag Canada into the pricing differentials in agricultural chemicals between our two countries. While such a study is a welcome step forward, our farmers deserve more concrete steps. Harmonization cannot continue to be an illusive goal for the future. We must provide meaningful tools by which we can bring some fairness to our farmers.

Today, I am reintroducing legislation that would take an important step in providing equitable treatment for U.S. farmers in the pricing of agricultural pesticides. This bill would only deal with agricultural chemicals that are identical or substantially similar. It only deals with pesticides that have already undergone rigorous review processes and have been registered and approved for use in both countries by the respective regulatory agencies.

The bill would establish a procedure by which states may apply for and receive an Environmental Protection Agency label for agricultural chemicals sold in Canada that are identical of substantially similar to agricultural chemicals used in the United States. Thus, U.S. producers and suppliers could purchase such chemicals in Canada for use in the United States. The need for this bill is created by pesticide companies which use chemical labeling laws to protect their marketing and pricing structures, rather than the public interest. In their selective labeling of identical or substantially similar products across the border they are able to extract unjustified profits from farmers, and create unlevel pricing fields between our two countries.

This bill is one legislative step in the process of full harmonization of pesticides between our two nations. It is designed to specifically to address the problem of pricing differentials on chemicals that are currently available in both countries. We need to take this step, so that we can start creating a bit more fair competition and level playing fields between farmers of our two countries. This bill would make harmonization a reality for those pesticides in which pricing is the only real difference.

Together with this legislation, I will be working on other fronts to move forward as rapidly as possible toward full harmonization of pesticides. The U.S. Trade Representative, the Environmental Protection Agency, and the U.S. Department of Agriculture have the responsibility to make harmonization a reality. Farmers have been waiting for a decade for such harmonization. We should not make them wait any longer.

Mr. President, I request unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 394

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. REGISTRATION OF CANADIAN PESTICIDES BY STATES.

(a) IN GENERAL.—Section 24 of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136v) is amended by adding at the end the following:

''(d) REGISTRATION OF CANADIAN PESTICIDES BY STATES.—

''(1) DEFINITIONS.—In this subsection:

''(A) CANADIAN PESTICIDE.—The term 'Canadian pesticide' means a pesticide that—

''(i) is registered for use as a pesticide in Canada;

''(ii) is identical or substantially similar in its composition to any pesticide registered under section 3; and

''(iii) is registered by the registrant of a comparable domestic pesticide or an affiliated entity of the registrant.

''(B) COMPARABLE DOMESTIC PESTICIDE.—The term 'comparable domestic pesticide' means a pesticide that—

''(i) is registered under section 3;

''(ii) is not subject to a notice of intent to cancel or suspend or an enforcement action under section 12, based on the labeling or composition of the pesticide;

''(iii) is used as the basis for comparison for the determinations required under paragraph (3); and

''(iv) is labeled for use on the site or crop for which registration is sought under this subsection on the basis of a use that is not the subject of a pending interim administrative review under section 3(c)(8).

''(2) AUTHORITY TO REGISTER CANADIAN PESTICIDES.—

''(A) IN GENERAL.—A State may register a Canadian pesticide for distribution and use in the State if the registration is consistent with this subsection and other provisions of this Act and is approved by the Administrator.

''(B) EFFECT OF REGISTRATION.—

''(i) IN GENERAL.—Except as provided in clause (ii), on approval by the Administrator, the registration of a Canadian pesticide by a State shall be considered a registration of the pesticide under section 3.

''(ii) DISTRIBUTION TO OTHER STATES.—A Canadian pesticide that is registered by a State under this subsection and distributed to a person in that State shall not be transported to, or used by, a person in another State unless the distribution and use is consistent with the registration by the original State.

''(C) REGISTRANT.—A State that registers a Canadian pesticide under this subsection shall be considered the registrant of the Canadian pesticide under this Act.

''(3) STATE REQUIREMENTS FOR REGISTRATION.—To register a Canadian pesticide under this subsection, a State shall—

''(A)(i) determine whether the Canadian pesticide is identical or substantially similar in its composition to a comparable domestic pesticide; and

''(ii) submit the proposed registration to the Administrator only if the State determines that the Canadian pesticide is identical or substantially similar in its composition to a comparable domestic pesticide;

''(B) for each food or feed use authorized by the registration—

''(i) determine whether there exists a tolerance or exemption under the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.) that permits the residues of the pesticide on the food or feed; and

''(ii) identify the tolerances or exemptions in the submission made under subparagraph (D);

''(C) require that the pesticide bear a label that—

''(i) specifies the information that is required to comply with section 3(c)(5);

''(ii) identifies itself as the only valid label;

''(iii) identifies the State in which the product may be used;

''(iv) identifies the approved use and includes directions for use, use restrictions, and precautions that are identical or substantial similar to the directions for use, use restrictions, and precautions that are on the approved label of the comparable domestic pesticide; and

''(v) includes a statement indicating that it is unlawful to distribute or use the Canadian pesticide in the State in a manner that is inconsistent with the registration of the pesticide by the State; and

''(D) submit to the Administrator a description of the proposed registration of the Canadian pesticide that includes a statement of the determinations made under this paragraph, the proposed labeling for the Canadian pesticide, and related supporting documentation.

''(4) APPROVAL OF REGISTRATION BY ADMINISTRATOR.—

''(A) IN GENERAL.—The Administrator shall approve the proposed registration of a Canadian pesticide by a State submitted under paragraph (3)(D) if the Administrator determines that the proposed registration of the Canadian pesticide by the State is consistent with this subsection and other provisions of this Act.

''(B) NOTICE OF APPROVAL.—No registration of a Canadian pesticide by a State under this subsection shall be considered approved, or be effective, until the Administrator provides notice of approval of the registration in writing to the State.

''(5) LABELING OF CANADIAN PESTICIDES.—

''(A) DISTRIBUTION.—After a notice of the approval of a Canadian pesticide by a State is received by the State, the State shall make labels approved by the State and the Administrator available to persons seeking to distribute the Canadian pesticide in the State.

''(B) USE.—A Canadian pesticide that is registered by a State under this subsection may be used within the State only if the Canadian pesticide bears the approved label for use in the State.

''(C) CONTAINERS.—Each container containing a Canadian pesticide registered by a State shall, before the transportation of the Canadian pesticide into the State and at all times the Canadian pesticide is distributed or used in the State, bear a label that is approved by the State and the Administrator.

''(D) REPORT.—A person seeking to distribute a Canadian pesticide registered by a State shall provide to the State a report that—

''(i) identifies the person that will receive and use the Canadian pesticide in the State; and

''(ii) states the quantity of the Canadian pesticide that will be transported into the State.

''(E) AFFIXING LABELS.—The act of affixing a label to a Canadian pesticide under this subsection shall not be considered production for the purposes of this Act.

''(6) ANNUAL REPORTS.—

''(A) PREPARATION.—A State registering 1 or more Canadian pesticides under this subsection shall prepare an annual report that—

''(i) identifies the Canadian pesticides that are registered by the State;

''(ii) identifies the users of Canadian pesticides used in the State; and

''(iii) states the quantity of Canadian pesticides used in the State.

''(B) AVAILABILITY.—On the request of the Administrator, the State shall provide a copy of the annual report to the Administrator.

''(7) RECALLS.—If the Administrator determines that it is necessary under this Act to terminate the distribution or use of a Canadian pesticide in a State, on the request of the Administrator, the State shall recall the Canadian pesticide.

''(8) SUSPENSION OF STATE AUTHORITY TO REGISTER CANADIAN PESTICIDES.—

''(A) IN GENERAL.—If the Administrator finds that a State that has registered 1 or more Canadian pesticides under this subsection is not capable of exercising adequate controls to ensure that registration under this subsection is consistent with this subsection and other provisions of this Act or has failed to exercise adequate control of 1 or more Canadian pesticides, the Administrator may suspend the authority of the State to register Canadian pesticides under this subsection until such time as the Administrator determines that the State can and will exercise adequate control of the Canadian pesticides.

''(B) NOTICE AND OPPORTUNITY TO RESPOND.—Before suspending the authority of a State to register a Canadian pesticide, the Administrator shall—

''(i) advise the State that the Administrator proposes to suspend the authority and the reasons for the proposed suspension; and

''(ii) provide the State with an opportunity time to respond to the proposal to suspend.

''(9) DISCLOSURE OF INFORMATION BY ADMINISTRATOR TO THE STATE.—The Administrator may disclose to a State that is seeking to register a Canadian pesticide in the State information that is necessary for the State to make the determinations required by paragraph (3) if the State certifies to the Administrator that the State can and will maintain the confidentiality of any trade secrets or commercial or financial information that was marked under section 10(a) provided by the Administrator to the State under this subsection to the same extent as is required under section 10.

''(10) PROVISION OF INFORMATION BY REGISTRANTS OF COMPARABLE DOMESTIC PESTICIDES.—If a State registers a Canadian pesticide, and a registrant of a comparable domestic pesticide that is (directly or through an affiliate) a foreign registrant fails to provide to the State the information possessed by the registrant that is necessary to make the determinations required by paragraph (3), the Administrator may suspend without a hearing all pesticide registrations issued to the registrant under this Act.

''(11) PATENTS.—Title 35, United States Code, shall not apply to a Canadian pesticide registered by a State under this subsection that is transported into the United States or to any person that takes an action with respect to the Canadian pesticide in accordance with this subsection.

''(12) SUBMISSIONS.—A submission by a State under this section shall not be considered an application under section 3(c)(1)(F).''.

(b) CONFORMING AMENDMENT.—The table of contents in section 1(b) of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. prec. 121) is amended by adding at the end of the items relating to section 24 the following:

''(d) Registration of Canadian pesticides by States.

''(1) Definitions.

''(2) Authority to register Canadian pesticides.

''(3) State requirements for registration.

''(4) Approval of registration by Administrator.

''(5) Labeling of Canadian pesticides.

''(6) Annual reports.

''(7) Recalls.

''(8) Suspension of State authority to register Canadian pesticides.

''(9) Disclosure of information by Administrator to the State.

''(10) Provision of information by registrants of comparable domestic pesticides.

''(11) Patents.

''(12) Submissions.''.

(c) EFFECTIVE DATE.—This section and the amendments made by this section take effect 180 days after the date of enactment of this Act.●

By Mr. ROCKEFELLER (for himself, Mr. SARBANES, Mr. BYRD, and Mr. HOLLINGS):

S. 395. A bill to ensure that the volume of steel imports does not exceed the average monthly volume of such imports during the 36-month period preceding July 1997; to the Committee on Finance.

STOP ILLEGAL STEEL TRADE ACT OF 1999

● Mr. ROCKEFELLER. Mr. President, I am taking a major step to force action to help the American steel industry through the current import crisis. Today, I propose that Congress legislate a solution to the problem of illegal steel dumping. I believe that without swift action, the United States' steelworkers will continue to be laid off in near record numbers, and our steelworkers will—not unlike the late 70s and early 80s—permanently lose jobs and that the industry's long term viability will be threatened. The difference between 1998 and what happened a decade or two ago is that this time our steel industry has invested in itself and become the most efficient steel producer in the world. We can take on all comers if we are given a level playing field. Sadly, the strength of our steel industry is now jeopardized, despite its own successful efforts to retool for the next century, because of unfair trade practices and unprecedented levels of imports. I firmly believe the ongoing devastation of our steel industry is unnecessary and a direct result of massive import surges from countries who are seeking to make America the world's importer of last resort. We cannot continue to let our nation's steelworkers bear the brunt of the financial shocks caused by financial mismanagement in Asia or elsewhere in the world.

I am joined in introducing this legislation today by my colleagues, Senators SARBANES, BYRD and HOLLINGS. The bill is the ''Stop Illegal Steel Trade Act of 1999.'' This legislation would place restrictions on steel imports for a period of three years in order to return steel imports to a fairer, 20% share of the United States' market. The bill provides the President with the authority to take the necessary steps to ensure that we return to this pre-crisis level—he can impose quotas, tariff surcharges, negotiate enforceable voluntary export restraint agreements, or choose other means to ensure that steel imports in any given month do not exceed the average of steel imports in the United States for the three years prior to July 1997. The bill would be effective within 60 days of enactment. The Secretary of the Treasury, as the head of the United States' Customs Service, and the Secretary of Commerce are charged with implementing, administering, and enforcing the restraints on steel imports. The Customs Service is explicitly authorized to deny entry into the United States any steel products that exceed the allowable level of imports. Volume will be determined on the basis of tonnage. This bill would apply to the following categories of steel products—semifinished, plates, sheets and strips, wire rods, wire and wire products, rail type products, bars, structural shapes and units, pipes and tubes, iron ore and coke. The bill's provisions will expire after 3 years (beginning 60 days from enactment).

Right now, imports comprise roughly 30–35% of all steel sold in the United States. Imports of steel mill products in 1998 are expected to exceed 41 million net tons. Over the last year and a half, steel imports have increased by 47%. That high percentage of imports is unsustainable and without quick action I think they will effectively undermine our steel industry's ability to survive. The industry and its workers have responded to this import surge by filing international trade cases against Japan, Russia, and Brazil. The Department of Commerce found critical circumstances exist with respect to those cases and has expedited their consideration. I commend them for doing so, but the trade case only deals with hot-rolled steel. Import surges have occurred in a wide variety of steel imports and if the hot-rolled problem was adequately addressed I think we would just see a new problem with cold-rolled, or plate.

I think Congress must act to deal comprehensively with this problem. It should make sure that one category of imports isn't controlled only to find we have a new problem with a new category of steel products. Under the legislation we are introducing today, Japan would be forced to reduce its imports to 2.2 million tons per year down

from the approximately 6.6 million tons of steel they sent to the United States in 1998. Russia, which sent about 5.2 million tons of steel to the United States in 1998, under this bill would be forced to dramatically reduce the amount of steel it ships to the United States. Stemming the import flood from Russia is especially important because the numbers show that the Russians have steadily and significantly increased their exports to the United States over the last several years. Russia exported 1.4 million tons to the United States in 1995, 1.6 million tons in 1996, and 3.3 million tons in 1997. Japan and Russia are two countries which provide a clear illustration of why we need to limit steel imports. Job losses and unfilled order books of steel companies across the country tell us we need to act to stop the flood of imports. But these numbers, which give you an idea as to how much tonnage has increased, make it clear why the United States must guard against the continued import surges in our market from foreign countries seeking to sell to the United States market. Currently, there is no cost for foreign countries to violate our trade laws other than the threat of suit, but our steelworkers, their families and communities are paying a steep price every day for our failure to step in and effectively address the problem.

I should note to my colleagues that legislation restricting the level of steel imports was introduced last week in the House of Representatives and it has already garnered over a quarter of its membership as cosponsors. Congressman VISCLOSKY is leading this effort in the House of Representatives and I look forward to working with him and all the House cosponsors who are eager to stand up for steel.

Frankly, I have watched and waited for months as this crisis has continued, and as more and more workers have been laid off or placed on short weeks. The number of workers who have been directly affected by this crisis stands at over 10,000 today, but I believe that number could escalate to as many as ten times that figure if we all we continue to do is hope that the crisis will abate on its own. I think it is time to take a leadership role in this crisis and move aggressively to stop the dumping. Under current U.S. law, only the President has the full authority to act immediately to begin the process of an International Trade Commission investigation into this problem of import surges and steel dumping. The ITC's work takes time—anywhere from 120 to 150 days depending on the complexity of the case. I believe what my steelworkers have told me, our industry doesn't have the luxury of time to wait. That's why I have taken this extraordinary step of suggesting that Congress substitute its judgement for Executive action. Effective Executive action could eliminate the need for this Congressional action, but I cannot sit idly by and watch our steel industry take a beating because of unfair foreign competition.

For the record, you all should know that West Virginia has a proud history as one of our nation's foremost steel manufacturers. We are the home of Weirton, Wheeling Pittsburgh, Wheeling Nisshin, and Follansbee Steel. West Virginia and its neighboring states are the birthplace of our modern steel industry—an industry that built an industrialized America and launched our nation's prosperity in the beginning of this great century. They forged the metal that brought us through two world wars, built the American economy's manufacturing base and allowed us to lead the world in the transition to the new economy.

That is why, when Weirton Steel has laid off 20% of its workforce and is facing losses that it cannot sustain over time, I cannot just hope that trade cases will take care of part of the problem caused by some of the worst offenders. Wheeling Pittsburgh, Wheeling Nisshin, and Follansbee, are making it through these hard times, but they would be that much more prosperous if they weren't dealing with unfair competition.

Today I want to share a quote with my colleagues that I believe will provide my colleagues with some important context for this matter and which underscores why I believe that Congress should act:

So, Mr. President, it is an extremely timely occasion that my colleagues and I rise to address the Senate on this issue. It is also timely, Mr. President, because the American steel industry is in the midst of its most serious crisis in the postwar era.

Yet, at the same time, the steel industry is fundamental to the American economy. It supplies virtually every sector, from automobiles, construction, railroads, shipbuilding, aerospace, defense, oil and gas, agriculture, industrial machinery and equipment, the appliances, utensils and beverage containers. The fortunes of this industry—good or ill—will have a major impact on the rest of the economy.

But the purpose a number of us have in speaking today, Mr. President, is to discuss trade; for it is the major component of the current crisis and may prove to be the factor most difficult to control, inasmuch as it is not totally a domestic issue.

Trade is also not a new problem. Steel import restraints have been proposed in one form or another since the 1960's. The trigger price mechanism was in effect from 1978 to 1980 and then again in 1981. Although these programs achieved some short-term results, mostly in terms of improving price levels, none of them provided long-term solutions to the growing problems of global overcapacity and the failure of noncompetitive steel industries to adjust.

The latter problem has become more and more a factor in the difficulties of the past several years. While we have continued to practice the ethic of the free market system, the Europeans, quite plainly, have not. Subsidies and dumping have increased as European governments attempt to stay in power and forestall social unrest and unemployment by maintaining steel jobs and production at any cost. Hence the tremendous Government subsidies.

In the beginning those were social policy decisions any government is entitled to make for itself. However, it has become apparent in the past few years that maintaining steel production through subsidies require substantial exporting in order to unload the excess supply. The chief victim of that export has been the United States, meaning that the European steel process has been at our expense. And that, Mr. President, is unacceptable.

It is all well and good for European Community governments to say their steel industry is in bad shape—which it is; or to argue they need time for adjustment—which they do. But their adjustment plans have consistently been behind schedule thanks to footdragging by member nation governments, while exports here have increased. I have no intention of explaining to the steelworker in Pittsburgh or Youngstown or Gary or East Chicago that has to give up his job in order to help his Belgian, French, or Italian colleague to keep his. My responsibility, the responsibility of the Senate, the responsibility of the administration, is to our own people—to take those actions which will be good for them both in the long term and in the short term.

That responsibility does not preclude compromise, and it does not preclude a recognition that steel is a global industry where multilateral solutions may be necessary and appropriate. In fact, I think there is much to be said for an international steel agreement which would include limits on financing new capacity in third countries, guidelines on adjustment, and, if necessary, global import restraints. But progress in that direction must begin with a recognition of where the problems are and whose responsibility it is to begin fixing them. And, as I said in this Chamber last Thursday, the responsibility in this case—both legal and economic—is clear.

European steel subsidies violate both U.S. law and international agreements which the European Community member nations have signed. We went through five years of negotiations to produce those agreements. On our part we made significant, substantive, concessions, like the abolition of the American selling price, the wine-gallon-proof-gallon system, and the acceptance of an injury test in subsidy cases. What we seem to have received in return was a lot of promises. Promises to adhere to the discipline of the codes that had been negotiated. Promises to reduce or eliminate subsidies, dumping, and other unfair trade practices. Promises to open up Government procurement.

We accepted all those promises. Mr. President, because they contained the hope of greater discipline over unfair trade practices and the hope of more markets for American products. And we accepted them because we believe in a free market system that functions according to the prescribed rules that all parties adhere to. Promoting those rules has been the essence of our trade policy ever since, and I for one believe that should continue to be our policy.

But I must say, Mr. President, that in the intervening years since 1979 when we finished negotiating the Tokyo round and enacted the Trade Agreements Act of that year, I have heard a lot from the people in this country injured by the concessions we made in the Tokyo round and very little from anyone who has gained by those agreements. And now, the system we sought to establish at that time faces its most serious test. Simply put, the European Community and its member states do not want to accept the responsibilities they agreed to undertake in 1979. They do not want the rules enforced. They do not want to make the hard economic decisions about their own steel industry that the market requires them to make.

They would rather export their unemployment to the United States. They are screaming very loud about our efforts to hold them

not only to their word, but to the letter and spirit of international law. Mr. President, despite the screams, despite the alleged serious consequences to trade relations, this is a test we must meet, because both our own industry and the international trading system, one based on the concept of free and fair trade, are at stake.

I need say no more about the desperate situation in our steel industry. Those of us with steel facilities in our State see it every time we return home. Not to defend our own industry, particularly when it is consistent with our own law and with our international obligations to do so, is to turn an already serious situation into a major disaster. It is also to abandon the people who elected us.

There is an issue here beyond the survival of the American steel industry, Mr. President. That is the survival of a fair and equitable trading system based on mutually acceptable rules of the game. Some people in this country bemoan the revival of the days of the Smoot-Hawley tariff or a return to the ''begger-thy-neighbor'' policies of years ago every time anyone in Congress starts to talk about imports being a problem.

Mr. President, no one, including me—most specifically me—wants to return to that era of depression, but to avoid it, we must understand the reason for it. That reason, in my judgement, was the failure at that time to develop an international trading system based on free market principles, based on the theory of comparative advantage, based on universally accepted rules for participation in that system.

Mr. President, this country was a great leader in during and after World War II. In 1943, our leaders of the free world went to Bretton Woods, N.H., and at Bretton Woods, we developed a system with exactly those goals in mind that I just mentioned. At Bretton Woods, we developed that system and we have maintained it ever since, at least up to now. Now we face problems more intractable, a world more complex, and power more diffused than ever before. The old solutions seem to be losing their attractiveness in favor of even older solutions, a return to the mercantilist policies of the past.

Mr. President, that is what is at stake in this controversy. Not just our steel industry, and not just the European steel industry, important though they both are. It is the survival of a free world trading system that is the issue, because it cannot survive unless nations are willing to accept their responsibilities and their subsidies.

Mr. President, I state this not only to send a message to the European Community, but also to make it clear to others in our own Government that we in Congress hold very strong views on this matter. We in Congress wrote this law. We in Congress made it tough on purpose—precisely to prevent the kind of devastating unfair trade practices and actions that we are experiencing right now in steel.

Today it is steel, tomorrow, it may be some other product, it may be some other set of States, it may be some other industries.

I say, Mr. President, that it is terribly important that the law continue to work now against those kinds of unfair trade actions.

So far the law is working to stop that action. It is absolutely essential that we let it continue to work and not seek some expedient end to the matter that might make for short-term peace at the bargaining table but will produce long-term chaos in the international trading system.

It is not ''protectionist'' to take action against such patently unfair practices. In fact, to fail to do so would compromise the principles of free trade which are central to the international trade agreement both we and the Europeans signed.

We must send a strong message to our trading partners that the United States expects fair trade in our markets and the vigorous enforcement of our trade laws, and I urge the Secretary of Commerce to hold to that course.

That quote is from a statement delivered on the Senate floor on July 26, 1982 by the late Senator John Heinz from the great steel state of Pennsylvania. He made it when he introduced legislation to deal with the problems facing the steel industry during the early 1980s. We've heard a lot about Yogi Beara lately, but I think this statement says ''the more things change, the more they remain the same.'' Our trade dilemma remains the same today.

We survived the crises in the late 70s and 80s because our industry, its workers, and their elected representatives acted. The industry needed to streamline and heavily invest in capital improvements. It needed to become leaner, and more efficient. The hard transitions we made as a direct result of action and sacrifice by our steelworkers and their families. Steel technology dramatically improved because the industry invested $50 billion of its own money. Cost of production decreased. The United States' steel industry has the lowest number of man hours per ton of any steel producer in the world. Today, we can make steel better, cheaper, and cleaner than any of our competitors, bar none. But it cost 300,000 steelworkers their jobs. After all that, the one thing we cannot compromise is that we have to have a level playing field on which we can compete. No one can compete when the competition sells below the cost of production and dumps steel in massive amounts onto our market—not even the American steel industry.

Short of a handful of trade cases, and tough talk to trading partners who have shown little intention of caring what our stance will be, little has been done to stop the illegal dumping. If after all that agony of transforming itself into the most efficient steel producer in the world we are still trying to tell our industry that they have to take it on the chin against illegal imports—that our unfair trade laws can't protect their ability to compete on the world market—then many who hope to continue to grow our economy through expanded trade will be sorely surprised by the reaction of an American public that does not see the benefits of trade.

I want the United States to push to continue to open new markets for our exports. I think that only makes good economic sense. I very much want a fair and free international trading system. But I think we have to insist that everyone has to play by the rules. This bill says that if our trading partners won't play by the rules, then Congress will see to it that our industry isn't unduly disadvantaged—to me, that only seems fair.

I urge all my colleagues to join on as cosponsors. We can do this, together.

Mr. President—I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 395

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Stop Illegal Steel Trade Act of 1999''.

SEC. 2. REDUCTION IN VOLUME OF STEEL IMPORTS.

Notwithstanding any other provision of law, within 60 days after the date of enactment of this Act, the President shall take the necessary steps, by imposing quotas, tariff surcharges, negotiated enforceable voluntary export restraint agreements, or otherwise, to ensure that the volume of steel products imported into the United States during any month does not exceed the average volume of steel products that was imported monthly into the United States during the 36-month period preceding July 1997.

SEC. 3. ENFORCEMENT AUTHORITY.

Within 60 days after the date of enactment of this Act, the Secretary of the Treasury, through the United States Customs Service, and the Secretary of Commerce shall implement a program for administering and enforcing the restraints on imports under section 2. The Customs Service is authorized to refuse entry into the customs territory of the United States of any steel products that exceed the allowable levels of imports of such products.

SEC. 4. APPLICABILITY.

(a) CATEGORIES.—This Act shall apply to the following categories of steel products: semifinished, plates, sheets and strips, wire rods, wire and wire products, rail type products, bars, structural shapes and units, pipes and tubes, iron ore, and coke products.

(b) VOLUME.—Volume of steel products for purposes of this Act shall be determined on the basis of tonnage of such products.

SEC. 5. EXPIRATION.

This Act shall expire at the end of the 3-year period beginning 60 days after the date of the enactment of this Act.●

By Mr. HUTCHINSON (for himself, Mr. COVERDELL, Mr. MURKOWSKI, Mr. DEWINE, Mr. ALLARD, Mr. SESSIONS, Mr. ASHCROFT, Mr. INHOFE, Mr. THOMAS, Mr. GRAMS, Mr. BUNNING, Mr. BROWNBACK, Mr. HELMS, and Mr. MCCONNELL):

S. 396. A bill to provide dollars to the classroom; to the Committee on Health, Education, Labor, and Pensions.

THE DOLLARS TO THE CLASSROOM ACT

● Mr. HUTCHINSON. Mr. President, I am honored to have the opportunity to introduce legislation addressing one of the most important issues Americans are concerned about today—education. The Dollars to the Classroom Act will redirect approximately 3.5 billion dollars in funding for elementary and secondary education back to the states and into our classrooms.

This year Congress will be focusing its efforts on the reauthorization of the Elementary and Secondary Education Act. It is time for us to take a good look at the status of education in America and to recognize the lack of improvement we have seen in our elementary and secondary schools. The percentage of 12th grade students who meet standards in reading has actually decreased during this decade. When limited Federal funding is spread so thinly over such a wide area, the result is ineffective programs that fail to provide students with the basic skills they need to succeed.

I am committed to improving educational opportunities for our children,

and this can happen best at the local level. Those who best know our children—parents and teachers—should be responsible for deciding what programs are most important, not bureaucrats in Washington. It is time to stop the one-size-fits-all approach, and start letting those at the local level decide what is best for them.

Right now, state and local educational agencies are implementing reforms to better prepare their students for the future. Even the president recently stated in his budget proposal that ''we have long known the ingredients for successful schools; the challenge is to give parents and teachers and superintendents the tools to put them in place and stimulate real change right now.'' Many states have already implemented class-size reduction programs, and nineteen states currently have programs to turn around their poorest-performing school. The problem is not that states and local school districts do not have ideas about how to improve their schools, it is that Washington is telling them how to do it through competitive grants.

Many schools never see these grants, either. Schools in rural areas and that have low funding levels often cannot afford to hire grant writers to apply for the numerous federal programs. These schools should not have to spend money on administration just to receive funding, when they could receive the funding directly and decide what their needs are.

Currently, states have to bear the burden of abiding by federal regulations to receive education dollars. The system we have in place now is inefficient and does not allow the best use of each taxpayer dollar that is spent. According to the Crossroads Project—the Congressional fact-finding education initiative—only 65 percent of Department of Education elementary and secondary dollars reach classrooms. Instead of paying for administration and paperwork, we must give control back to parents and teachers, who can decide what is best for our children. Who do you trust to spend our taxpayer dollars best—bureaucrats, or those involved in our local schools?

That is why I am introducing the Dollars to the Classroom Act. This legislation has been included in S. 277, the Republican education package, and similar legislation will be introduced soon in the House of Representatives. In fact, the House of Representatives passed its version of the Dollars to the Classroom Act last fall. This legislation redirects $3.5 billion of K–12 education dollars to the States, requiring only that 95% of that money actually reach our children's classrooms. This money can be used for whatever the local education officials deem necessary and important to our children's education. School districts may buy new books, hire more teachers, build new schools, or buy new computers.

We must begin to prioritize the way we spend our education dollars, and we must put children first, not bureaucracy. Let those on the State and local levels decide if more books are needed to help our children read, or more teachers are needed to reduce class size. We cannot afford to allow a stagnant system to continue. We owe it to our children to allow schools to address the real needs they are facing today.●

● Mr. ASHCROFT. Mr. President, on two separate occasions this year I have made statements about the importance of education to our Nation and to this Congress. I've talked about what our parents want for their children, how to provide a good education, and how many of our current federal policies have failed to achieve what we want for our children.

Today, as the Senator from Arkansas introduces his ''Dollars to the Classroom Act,'' which incorporates ingredients for educational success into our federal policy, I want to join in cosponsoring his bill as it will empower states and local school districts to spend federal resources in the best way they see fit. I also want to take this opportunity to emphasize the importance of education.

A Pew Research Center poll conducted last fall found that 88% of those surveyed think that improving the quality of public school education is ''very important.'' Now, I am not one to put a lot of emphasis on polls, but I think that this poll indicates what we already know: that making sure kids get a world-class education is a real priority for our nation. Moms and dads want their children to be in settings where they will be challenged to reach high levels of academic achievement, taught by qualified and caring teachers, and provided a safe learning environment.

Obviously, parents want to be sure that schools are using the ingredients of success in education: parental involvement, local control, an emphasis on basic academics, and dollars spent in the classroom, not on distant bureaucracy and ineffective programs. These are the ingredients we must have to elevate educational performance. It is interesting to note that a recent report of the House Committee on Education and the Workforce Subcommittee on Oversight and Investigations found that successful schools and school systems were not the product of federal funding and directives.

Unfortunately, we are continuing to find that many of our current federal education programs, while well-intended, simply do not contain the ingredients of a successful education. Rather than promoting parental involvement, local control, and dollars going to the classroom, many federal programs promote a ''Washington-knows-best'' policy, in which federal bureaucrats decide exactly what education programs should be developed and exactly how every dollar should be spent. Not only are states, schools, teachers, and parents left without much say in how to educate their children, but they are also drained of time and energy complying with all the federal mandates handed down to them.

Our current federal education laws bog states down in mountains of paperwork every year. Even though the U.S. Department of Education recently attempted to reduce paperwork burdens, the Department still requires over 48.6 million hours worth of paperwork per year—or the equivalent of 25,000 employees working full-time. There are more than 20,000 pages of applications states must fill out to receive federal education funds each year.

While the Department of Education brags that its staff is one of the smallest federal agencies with 4,637 people, state education agencies have to employ nearly 13,400 FTEs (full-time equivalents) with federal dollars to administer the myriad federal programs. Hence, there are nearly three times as many federally funded employees of state education agencies administering federal education programs as there are U.S. Department of Education employees.

It is no wonder that up to 35% of our federal education dollar gets eaten up by bureaucratic and administrative costs. And we should remember this in the context of the fact that only about 7% of all education funding comes from the federal government. As we can see, this small amount of the entire education pie consumes a disproportionate share of the time states and local school districts must spend to administer education programs.

I have also spoken in the past about the Ohio study finding that 52% of the paperwork required of an Ohio school district was related to participation in federal programs, while federal dollars provided less than 5% of its total education funding. And I've also noted that in Florida it takes six times as many state employees to administer federal funds as it does to administer state dollars.

Clearly, federal rules and regulations eat up precious dollars and teacher time. We must find a way to change this.

I have also highlighted that the problem that many of our children and school districts never get to see the federal tax dollars paid by their parents for education because a great deal of federal educational funding is awarded on a competitive basis. Local schools must come to Washington and plead their case to get back the money the parents of their communities sent to the federal treasury. Who suffers the most from this system? Smaller and poorer schools, who don't have the time and money to wade through thick grant applications or hire a grant writer to get their fair share of the federal dollar.

It is also interesting to note that, according to the Department of Education's own estimates, it takes 216 steps and 20 weeks to complete the review process for a federal discretionary education grant. The Department

boasts that this is actually a streamlined process, since it used to take 26 weeks and took 487 steps from start to finish!

I have talked about a third problem with many current federal education programs: dollars are earmarked for one and only one purpose, to the exclusion of all other uses. And many times, the distant Washington bureaucrats are designating funds for something that a school district doesn't even need at the time.

I like to use an analogy to explain this problem. If you feel a headache coming on, would you rather be treated by a doctor one mile away from where you live, or a thousand miles away? And if you have to use the doctor a thousand miles away, how good is he or she going to be at prescribing what you need for your headache? It sure would be nicer to see someone close by who could take a look at you in person and make a proper diagnosis.

And what if, when you tell the doctor a thousand miles away that you have a headache, she says to you, ''Oh, that's too bad. But today we're running a special on crutches. We are prescribing crutches for people like you all over the country, because we've heard that you may need them.'' You say, ''That's fine, but how is a crutch going to help my headache? Can't I get the money to buy some aspirin?'' And the doctor says, ''Sorry, but you can only use this money for crutches, not for aspirin, or anything else.''

This is exactly what happens with so many of these categorical programs mandated from the federal level. Your local school district has determined that it needs funding for one thing, but the federal government will only release it for another. As a result, schools don't have the flexibility to use their funding for what they know they need to provide the best education possible for their students.

For all the federal programs and dollars committed to education, are we seeing success? I'm afraid not.

I have heard of a recent report from the Organization for Economic Cooperation and Development, which noted that even though the United States dedicates one of the largest shares of gross domestic product to education, it has fallen behind other economic powers in high school graduation rates. Only 72 percent of 18-year-old Americans graduated in 1996, trailing all other developed countries.

Our Congressional Research Service has explained why current federal aid programs may not lead to educational improvement. They note that these programs have generally been focused on specific student population groups with special needs, priority subject areas, or specific educational concepts or techniques. CRS reports:

> While such ''categorical'' program structures assure that aid is directed to the priority population or purpose, they may not always be effective—instruction may become fragmented and poorly coordinated; the proliferation of programs may be duplicative; each federally assisted program may affect only a marginal portion of each pupil's instructional time that is poorly coordinated with the remainder of her or his instruction; regulations intended to target aid on particular areas of need may unintentionally limit local ability to engage in comprehensive reforms; or the partial segregation of special needs students, while it helps to guarantee that funds can be clearly associated with each program's intended beneficiaries, may also reinforce tendencies toward tracking pupils by achievement level, and unintentionally contribute to a perpetuation of lower expectations for their performance.

I think the Congressional Research Service makes some valid observations about why our current federal education policy is not generally boosting student achievement and making our children competitive with other nations. CRS says that current federal policy hinders an important element of educational success: local control.

Based upon what we know about the state of our current federal education policy, we must explore how to direct our resources in ways that will stimulate academic success and high achievement. States, school districts, school boards, teachers, and of course, parents, are asking for local control and flexibility to spend federal education dollars in ways they know will work. They know how to incorporate the ingredients of success into the education of their children.

Senator HUTCHINSON's ''Dollars to the Classroom Act'' will give states and local schools the flexibility that they desperately need. His legislation takes nearly $3.5 billion from a number of federal education programs, directs the money to the states based upon student population, and requires that at least 95% of it is spent in our children's classrooms. Local school districts may use the funds in ways they believe will be most effective in elevating student achievement.

Under the ''Dollars to Classroom Act,'' parents, teachers, school boards and administrators will have the freedom to use federal dollars for what they need: whether it be to hire more teachers, raise teacher salaries, strengthen reading programs, buy new computers, or provide more one-on-one tutoring.

The bill ensures that federal bureaucracy will be held at bay by forbidding the Secretary of Education from issuing any regulations regarding the type of classroom activities or services that school districts may choose to provide with the federal dollars. Finally, the ''Dollars to Classroom Act'' calls for ways to streamline regulations and eliminate bureaucracy within major federal education laws.

Mr. President, we need to ensure that more federal education money is sent to the classroom, and that states, schools, and parents have more flexibility in using those funds in the way that will best help students achieve their fullest potential. We must find ways to encourage states and local schools to be innovative and creative in finding the most successful ways to challenge our students to the highest levels and achievement. Senator HUTCHINSON's ''Dollars to the Classroom Act'' will help accomplish these goals, and that is why I am pleased to co-sponsor his legislation.

During the coming months, Congress should continue to evaluate our current federal elementary and secondary education programs and make the necessary changes to incorporate the ingredients we know have proven successful in providing the best education possible for our children. We cannot afford to maintain the status quo if it is not working. We owe it to our next generation to provide them what they need to be successful in the 21st Century.●

ADDITIONAL COSPONSORS

S. 17

At the request of Mr. DODD, the name of the Senator from Nevada (Mr. REID) was added as a cosponsor of S. 17, a bill to increase the availability, affordability, and quality of child care.

S. 136

At the request of Mr. KENNEDY, the name of the Senator from Nebraska (Mr. KERREY) was added as a cosponsor of S. 136, a bill to provide for teacher excellence and classroom help.

S. 170

At the request of Mr. SMITH, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 170, a bill to permit revocation by members of the clergy of their exemption from Social Security coverage.

S. 285

At the request of Mr. MCCAIN, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of S. 285, a bill to amend title II of the Social Security Act to restore the link between the maximum amount of earnings by blind individuals permitted without demonstrating ability to engage in substantial gainful activity and the exempt amount permitted in determining excess earnings under the earnings test.

S. 311

At the request of Mr. MCCAIN, the names of the Senator from Nevada (Mr. REID) and the Senator from Nevada (Mr. BRYAN) were added as cosponsors of S. 311, a bill to authorize the Disabled Veterans' LIFE Memorial Foundation to establish a memorial in the District of Columbia or its environs, and for other purposes.

S. 323

At the request of Mr. CAMPBELL, the name of the Senator from Colorado (Mr. ALLARD) was added as a cosponsor of S. 323, a bill to redesignate the Black Canyon of the Gunnison National Monument as a national park and establish the Gunnison Gorge National Conservation Area, and for other purposes.

SENATE CONCURRENT RESOLUTION 5

At the request of Mr. BROWNBACK, the names of the Senator from Idaho (Mr. CRAPO) and the Senator from Kentucky (Mr. BUNNING) were added as cosponsors of Senate Concurrent Resolution 5, a concurrent resolution expressing congressional opposition to the unilateral declaration of a Palestinian state and urging the President to assert clearly United States opposition to such a unilateral declaration of statehood.

SENATE RESOLUTION 33—DESIGNATING MAY 1999 AS NATIONAL MILITARY APPRECIATION MONTH

Mr. MCCAIN (for himself, Mr. WARNER, Mr. LEVIN, Mr. THURMOND, Mr. KENNEDY, Mr. SMITH of New Hampshire, Mr. BINGAMAN, Mr. INHOFE, Mr. CLELAND, Ms. LANDRIEU, and Mr. ALLARD) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 33

Whereas the freedom and security that United States citizens enjoy today are results of the vigilant commitment of the United States Armed Forces in preserving the freedom and security;

Whereas it is appropriate to promote national awareness of the sacrifices that members of the United States Armed Forces have made in the past and continue to make every day in order to support the Constitution and to preserve the freedoms and liberties that enrich the Nation;

Whereas it is important to preserve and foster the honor and respect that the United States Armed Forces deserve for vital service on behalf of the United States;

Whereas it is appropriate to emphasize the importance of the United States Armed Forces to all persons in the United States;

Whereas it is important to instill in the youth in the United States the significance of the contributions that members of the United States Armed Forces have made in securing and protecting the freedoms that United States citizens enjoy today;

Whereas it is appropriate to underscore the vital support and encouragement that families of members of the United States Armed Forces lend to the strength and commitment of those members;

Whereas it is important to inspire greater love for the United States and encourage greater support for the role of the United States Armed Forces in maintaining the superiority of the United States as a nation and in contributing to world peace;

Whereas it is appropriate to recognize the importance of maintaining a strong, equipped, well-educated, well-trained military for the United States to safeguard freedoms, humanitarianism, and peacekeeping efforts around the world;

Whereas it is important to give greater recognition for the dedication and sacrifices that individuals who serve in the United States Armed Forces have made and continue to make on behalf of the United States;

Whereas it is appropriate to display the proper honor and pride United States citizens feel towards members of the United States Armed Forces for their service;

Whereas it is important to reflect upon the sacrifices made by members of the United States Armed Forces and to show appreciation for such service;

Whereas it is appropriate to recognize, honor, and encourage the dedication and commitment of members of the United States Armed Forces in serving the United States; and

Whereas it is important to acknowledge the contributions of the many individuals who have served in the United States Armed Forces since inception of the Armed Forces: Now, therefore, be it

Resolved, That the Senate—

(1) designates May 1999 as ''National Military Appreciation Month''; and

(2) requests that the President issue a proclamation calling upon the people of the United States to recognize and honor the dedication and commitment of the members of the United States Armed Forces and to observe the month with appropriate ceremonies and activities.

● Mr. MCCAIN. Mr. President, I rise today to submit legislation, cosponsored by Senators WARNER and LEVIN and other members of the Armed Services Committee, to designate May 1999 as National Military Appreciation Month. I would like to emphasize at the outset the role of the United Services Organization, the USO, in approaching me to ask that I submit this resolution. I am honored that an organization so central to the quality of the lives of our service personnel for so many decades chose me as the one to carry this legislation forward.

Last week, I joined with a number of my colleagues on the Armed Services Committee to report to the Senate S. 4, the Soldiers', Sailors', Airmen's, and Marines' Bill of Rights of 1999. That legislation addresses areas identified by the Joint Chiefs of Staff as their highest priorities in resolving the growing readiness problems afflicting the Armed Forces. By restoring the retirement system that existed prior to 1986 and taking concrete measures to close the pay gap and remove military families from the rolls of those eligible for food stamps, I am confident that S. 4 will go a long way toward alleviating the retention and recruitment problems that have contributed so much to the recent decline in military readiness.

It is out of concern for the welfare of the men and women who wear the uniform of our nation's armed forces that S. 4 was passed so early in the legislative year by the Armed Services Committee. It is out of a sense of pride in those same men and women that I offer this resolution designating May as National Military Appreciation Month.

During May 1999, we will observe Victory in Europe Day, Military Spouse Day, Armed Forces Day, and, most importantly, Memorial Day. It is appropriate that, with our armed forces currently operating in Bosnia, Macedonia, Haiti, and the Persian Gulf, and conducting routine peacetime activities too numerous to list in support of U.S. foreign policy in virtually every part of the globe, that the nation dedicate that month to remind itself of the contribution these individuals make to the preservation of a way of life increasingly taken for granted.

It has become almost platitudinous to point out the increased burden placed on a smaller military since the dissolution of the Soviet Union and the end of the Cold War. Our military forces are being sent into harm's way more often than during any period since the Vietnam War, with additional deployments contemplated as I speak. Strong economic growth and low unemployment have reduced the incentive on the part of many young people to enlist in the Armed Forces, thereby further diminishing the percentage of Americans exposed to military Service. By designating May 1999 as National Military Appreciation Month, it is my hope that the country will be more inclined to reflect on the sacrifices of so many throughout our history and today, and to better understand why we in Congress are acting so hastily to address quality of life issues affecting our service personnel and their families. My good friend, DUNCAN HUNTER, has offered companion legislation in the House of Representatives, and I look forward to speedy passage of this bill in the weeks ahead.●

● Mr. LEVIN. Mr. President, I am pleased to join my friend Senator MCCAIN in submitting this resolution designating May 1999 as ''National Military Appreciation Month.'' Senator MCCAIN is one of the great champions in the Senate of the men and women who serve in our armed forces. It is a privilege to join him in sponsoring this resolution.

Day after day, our Soldiers, Sailors, Airmen and Marines continue to demonstrate a high degree of excellence and commitment. No matter what we ask of them, they always respond in the most professional manner imaginable. We have asked them to serve in combat operations, in peacekeeping missions, and in humanitarian relief efforts. We have deployed them around the world to stand in the face of aggression. They make tremendous personal sacrifices to serve their nation.

The most recent example of the excellence and professionalism of our forces was Operation Desert Fox. Over 40,000 troops deployed from bases around the world in response to Sadam Hussain's flagrant defiance of UN authorized inspections. Without a single U.S. or British casualty, our troops flew more than 600 aircraft sorties, 300 of them a night. Soldiers, Sailors, Airmen and Marines all participated in this flawless operation. This same excellence has been demonstrated in Bosnia, Korea, Central America, and every other place where our members serve.

Our troops are, quite simply, the best. They are the best trained, best equipped, best disciplined and most highly skilled and motivated military force in the world. They deserve the recognition of a grateful Nation. This resolution calls on all Americans to recognize and honor their dedication and service. It is the least we can do.●

AMENDMENTS SUBMITTED

SOLDIERS', SAILORS', AIRMEN'S, AND MARINES' BILL OF RIGHTS ACT OF 1999

CLELAND AMENDMENT NO. 6

(Ordered to lie on the table.)

Mr. CLELAND submitted an amendment intended to be proposed by him to the bill (S. 4) to improve pay and retirement equity for members of the Armed Forces; and for other purposes; as follows:

On page 33, line 16, strike ''for a period of more than 30 days'' and insert ''and a member of the Ready Reserve in any pay status''.

On page 34, beginning on line 10, strike ''**on active duty**'' and insert ''**: members on active duty; members of the Ready Reserve**''.

On page 35, strike lines 3 through 6 and insert the following:

''(c) MAXIMUM CONTRIBUTION.—(1) The amount contributed by a member of the uniformed services for any pay period out of basic pay may not exceed 5 percent of such member's basic pay for such pay period.

''(2)(A) Subject to subparagraph (B), the amount contributed by a member of the Ready Reserve for any pay period for any compensation received under section 206 of title 37 may not exceed 5 percent of such member's compensation for such pay period.

''(B) Notwithstanding any other provision of this subchapter, no contribution may be made under this paragraph for a member of the Ready Reserve for any year to the extent that such contribution, when added to prior contributions for such member for such year under this subchapter, exceeds any limitation under section 415 of the Internal Revenue Code of 1986.

On page 35, line 9, insert '', or out of compensation under section 206 of title 37,'' after ''out of basic pay''.

On page 35, line 12, strike ''308a, 308f,'' and insert ''308a through 308h,''.

On page 36, in the matter following line 15, strike ''on active duty'' and insert '': members on active duty; members of the Ready Reserve''.

● Mr. CLELAND. Mr. President, when S. 4 is debated in the Senate, I intend to offer an amendment to expand the Thrift Savings Plan to allow the participation of members of the Ready Reserve. The 1.5 million members of the Reserve Components make up half of our military forces. They are contributing to our military efforts at home and around the world every day of the year, side-by-side with their active duty counterparts. We are using our Reserve component personnel more often and for a broader range of missions and operations then ever before.

Since the end of the Cold War, members of the Reserve Components have participated at record levels. In fact, over 17,000 Reservists and Guardsmen have answered the Nation's call to bring peace to Bosnia. Nearly 270,000 Reservists and Guardsmen were mobilized during Operations Desert Shield and Desert Storm. Numerous Guard and Reserve units from all corners of the United States responded immediately to requests for assistance in the wake of Hurricane Mitch, delivering over 10 million pounds of humanitarian aid to devastated areas in Central America. Closer to home, Reserve and National Guard personnel answered the cries for help after devastating floods struck in North and South Dakota, Minnesota and Iowa. They braved high winds and water to fill sandbags, provide security, and transport food, fresh water, medical supplies and disaster workers to the affected areas. And the Air Force Reserve's ''Hurricane Hunters'' are the only Department of Defense organization that routinely flies into tropical storms and hurricanes to collect data to improve forecast accuracy, which dramatically minimizes losses due to the destructive forces of these storms. These are but a few examples of what members of the Guard and Reserve do on a daily basis. What amazes me most is that many take part in these important military operations on a volunteer basis, and have to balance these demands with those of their full-time civilian careers and their families.

In September 1997, Secretary of Defense Cohen wrote a memorandum acknowledging an increased reliance on the Reserve Components. He called upon the Services to remove all remaining barriers to achieving a ''seamless Total Force.'' He has also said that without Reservists, ''we can't do it in Bosnia, we can't do it in the Gulf, we can't do it anywhere.'' The Reserve Components will, without a doubt, play an integral role in our national military strategy of the 21st century.

Allowing members who serve in the Reserve Components to participate in the Thrift Savings Plan would carry on the spirit of Secretary Cohen's Total Force policy at virtually no additional cost. But, most importantly, doing so sends a message to our citizen soldiers, sailors, marines, and airmen that we recognize and appreciate their sacrifices.●

NOTICE OF HEARING

COMMITTEE ON INDIAN AFFAIRS

Mr. CAMPBELL. Mr. President, I would like to announce that the Senate Committee on Indian Affairs will meet during the session of the Senate on Wednesday, February 10, 1999, at 9:30 a.m., to hold a confirmation hearing on the nomination of Montie Deer to be the Chairman of the National Indian Gaming Commission. The hearing will be held in room 485 of the Russell Senate Office Building.

Those wishing additional information should contact the Committee on Indian Affairs at 202/224–2251.

ADDITIONAL STATEMENTS

SENATE LEGISLATIVE CLERK SCOTT BATES

● Ms. MIKULSKI. Mr. President, the United States Senate experienced a great and sudden loss on Friday night with the untimely death of our legislative clerk, Scott Bates. Mr. Bates was, in many ways, a symbol of the endurance and integrity of our institution, and his passing is a time of sadness for our Senate family.

For thirty years, Scott Bates was a faithful, dedicated and passionate servant of the United States Senate. He devoted his life to ensuring that our legislative body operated with efficiency, precision and dignity. Neither I nor my colleagues, nor any of our predecessors here will ever forget the clear, powerful voice of Scott Bates—calling the roll, announcing our votes, or just saying ''hello.''

Scott Bates was a man of honor and humility. He was a mainstay of our sacred institution for three decades. I join my colleagues in mourning his passing and celebrating his life. To his wife, Ricki, who is still recovering in the hospital, we wish you a speedy recovery—please know that you and your three children, Lori, Lisa and Paul, are in our thoughts and prayers. You will remain a cherished part of the Senate family.●

KING HUSSEIN OF JORDAN

● Mr. BROWNBACK. Mr. President, I rise to honor the memory of a great man, King Hussein of Jordan.

Today the world said goodbye to King Hussein and the great outpouring of grief by his people and the presence today in Amman of almost all of the world's leaders, is testament to his greatness and to the real honor and affection in which he was held; it was a testament to the enormous contribution he made to world peace and stability.

King Hussein was very young when he became king 47 years ago, in a tough neighborhood where wits and courage and character are quickly tested—and tested often. During his reign, he dodged at least 12 assassination attempts and 7 plots to overthrow him.

Though he took over a shaky throne, his perseverance, his vision and his great faith carried him through and resulted in a much stronger nation of Jordan and a more stable Middle East. He took his country far down the path of democratic reforms—reforms which he had hoped to continue to improve upon and to broaden.

His rule saw his country acquire stability and make peace with Israel. He modernized Jordan and created a situation in which Jordanians enjoy a degree of political freedom not found in most other Arab nations.

He did all this by living his faith and his ideals: he practiced political tolerance and even reached a peace and pardoned those who had tried to kill him.

He was a true friend and ally of the United States but his true devotion was to his people and to the cause of peace. He took great risks to achieve this peace.

He was a lynchpin in Middle East Peace Process. Only a few months ago, he left his sickbed and came to Wye to

help broker the Wye River accord that revived the failing peace process between Israel and the Palestinians. It was his presence and his commitment that brought a successful resolution to this agreement.

He did this at great personal sacrifice when he was near death. He fought illness with grace, courage and faith in the same way he had lived his life.

A stronger Kingdom of Jordan and a more stable Middle East, capable of eventually sustaining a lasting peace will be one of his great legacies.

Mr. President it is vitally important for the United States and Jordan to continue our close ties and to deepen our mutual commitment.

I join my colleagues in expressing my support and best wishes to King Hussein's son and successor, King Abdullah.

I met with King Abdullah this past November. He is very capable, knowledgeable and his is a strong leader. He is now a key to peace in the world and he is up to the task. We all wish him God's speed and great blessings.●

THE NATIONAL SALVAGE MOTOR VEHICLE CONSUMER PROTECTION ACT

● Mr. LOTT. Mr. President, I want to talk about America's used car buyers. They are looking to this Congress to take prompt action on legislation that will curtail the fraudulent practice of ''title washing.'' A deceptive scheme that costs consumers and the automobile industry over $4 billion annually and places millions of structurally unsafe vehicles back on America's roads and highways.

Last week I brought to your attention a January 8, 1999, Washington Post article entitled ''Wrecked Cars, On the Road Again.'' This is scary—government crash test cars—deliberately destroyed cars—are being rebuilt and sold to unsuspecting consumers as undamaged vehicles. One of these crash cars could have been next to any one of us on the way to work today.

I ask my colleagues to think about how they would feel if their son or daughter unknowingly purchased a NHSTA crash test car. Aside from the significant monetary loss, buyers of these previously totaled cars or trucks are also unwittingly risking life and limb. As well as everyone with whom they share the road.

As my colleagues are well aware, Senator Ford and I coauthored legislation in the 105th Congress with the intent of putting dishonest rebuilders out of business. Our bill would have provided greater disclosure to potential used car buyers by establishing national uniform definitions for salvage, rebuilt salvage, nonrepairable, and flood vehicles. As everyone knows, especially the crooks and charlatans who prey on unsuspecting victims, that it is the lack of uniformity and the inconsistencies in state automobile titling procedures that allows title laundering to flourish unabated.

Mr. President, the provisions of the National Salvage Motor Vehicle Consumer Protection Act mirrored the recommendations of the Motor Vehicle Titling, Registration and Salvage Advisory Committee. This congressionally mandated committee, overseen by the U.S. Department of Transportation, included State motor vehicle officials, motor vehicle manufactures, dealers, recyclers, insurers, salvage yard operators, scrap processors, federal and state law enforcement representatives, and others. While I would like to claim credit for authoring the definitions in the title branding legislation, they were in fact based on the knowledge and experience of the Salvage Committee and the recommendations offered in their final report. So these are not my definitions, they are the expert advisory committee's definitions.

Mr. President, too often Congress lets recommendations from commissions we mandate sit on a shelf gathering dust.

Mr. President, I do not want this to happen here. Title washing is a pervasive problem. The salvage advisory group provided a wealth of information and recommendations to address this national problem. Congress needs to act.

Aside from promoting the use of uniform definitions, the bill requires rebuilt salvage vehicles to undergo a theft inspection in addition to any required state safety inspection. These vehicles would also have a decal permanently affixed to its window and the driver's doorjamb to provide even greater disclosure. Equally important, the vehicle's brand would be carried forward to each state where the vehicle is retitled. And, the Vehicle Identification Numbers (VIN) of irreparably damaged vehicles would be tracked to prevent automobile theft.

Contrary to the misrepresentations about this bill, it allowed states to adopt disclosure standards beyond those provided for in the bill. In fact, states would have had broad latitude to provide almost unlimited disclosure to their citizens. This important legislation merely created a basic minimum national standard while allowing states the flexibility to adopt more stringent regulations. It also did not create a federal mandate on the states as some had proposed. As my colleagues will recall, the Supreme Court held in *New York* v. *United States* [505 U.S. 144 (1992)] that states cannot be forced by Congress to execute programs that should be administered by the U.S. government.

Mr. President, Congress came very close to enacting title branding legislation last year. The original measure received the formal support of 57 of our colleagues in this chamber and a similar bill passed the House of Representatives with a vote of 333 to 72. Throughout the legislative process, a number of significant changes were made to the bill to address the concerns expressed by consumer groups and some state attorneys general. In a good faith effort, the following changes were included in the modified version of the bill.

The percentage threshold for defining a ''salvage vehicle'' was lowered from 80 percent to 75 percent.

The final bill included a provision allowing states broad latitude in determining which vehicles would be designated as ''salvage.'' The compromise permitted a state to maintain or establish a lower percentage threshold for defining a ''salvage vehicle.'' So if a state set its percentage threshold below the 75 percent level, it would still have been in compliance with the bill. Some consumer groups and state attorneys general advocated that states be able to set their thresholds as low as they desired. This bill would have allowed any state to do just that.

A new provision was added that allowed states to cover any vehicle, regardless of age. This is referred to as ''older model salvage vehicle.''

Another new provision in the legislation granted state attorneys general the ability to sue on behalf of consumers who are victimized by rebuilt salvage fraud and to recover monetary judgments for damages that citizens may have suffered.

The bill's section on ''prohibited acts,'' replaced the House's ''knowingly and willfully'' standard with a ''knowingly'' standard.

Two new prohibited acts were included—one related to failure to make a flood disclosure and the other related to moving a vehicle or title across state lines for the purpose of avoiding the bill's requirements.

In the original bill, conforming states were prohibited from using synonyms of terms defined in the legislation (i.e. reconstructed, unrebuildable, junk) in connection with a vehicle. The modified bill deleted this restrictive language, giving states increased flexibility to provide additional disclosures to their citizens regarding the damage history of vehicles.

The compromise bill added a provision making it clear that nothing in the legislation would affect any private right of action under existing state laws. Let me say again that a citizen's ability to pursue private rights of action would have continued under the legislation.

At the request of Senator SLADE GORTON, the proposed federal criminal penalty provision was removed from the bill. As a former state attorney general, Senator GORTON was concerned that creating new federal penalties would unnecessarily increase the burden on an already stressed federal court system, especially in instances where existing state civil and criminal remedies would adequately address violations of the bill's titling requirements. Senator GORTON's concerns were recently buttressed by Chief Justice Rehnquist who recently complained about Congress' ''trend to federalize crimes that traditionally have been handled in state courts.'' While

the proposed criminal penalty was dropped, a provision authorizing civil penalties was retained.

At the request of Sen. ERNEST HOLLINGS, a new provision was added concerning the Secretary of Transportation advising automobile dealers of the prohibition on selling vans as school buses.

Again, these were significant changes aimed at achieving consensus and balancing the need for uniformity with the desire to provide states with reasonable and appropriate flexibility.

It is also important to point out that the final title branding bill that passed the House with a bipartisan majority last October was strongly supported by state motor vehicle administrators. These are the very people responsible for implementing titling rules and procedures. If there is anyone that Congress should listen to on this topic, it is the state DMV directors. They have the most commitment to and significant knowledge and experience dealing with titling matters. Since they are on the front lines, these administrators know what works and what will not. Their only vested interest is to ensure that the people they serve in their states have an effective titling system. To that end, they have been working with the Department of Transportation and the Department of Justice to develop a National Motor Vehicle Title Information System that would provide titling offices around the country with accurate, reliable, and timely registration information.

As I have said repeatedly, title branding legislation would significantly improve disclosure for used car buyers. It would close the many loopholes that exist by establishing uniform definitions. It would create national standards that would protect the safety and well-being of consumers and motorists across America. Enacting this legislation would allow our sons and daughters to buy a used car without fear that they may be purchasing a totaled and subsequently rebuilt vehicle.

For these reasons, I intend on introducing the National Salvage Motor Vehicle Consumer Protection Act as it passed the House last October. I have also solicited technical corrections from a number of interested and affected sources including the U.S. Department of Transportation.

Mr. President, I ask my colleagues from both sides of the aisle to safeguard our friends and families from title fraud by formally supporting this legislation.

With your help, Congress can put thousands of chop-shop owners and con-artists out of business and keep millions of structurally unsafe vehicles off our nation's roads and highways. Let us take quick action to keep our constituents from buying wrecks on wheels.●

TRIBUTE TO REAR ADMIRAL WILLIAM L. STUBBLEFIELD ON THE OCCASION OF HIS RETIREMENT

● Mr. KERRY. Mr. President, I rise today to pay tribute to Rear Admiral Bill Stubblefield on the occasion of his retirement as the Director of the Office of NOAA Corps Operations and the Director of the NOAA Corps, in the Department of Commerce's National Oceanic and Atmospheric Administration. Rear Admiral Stubblefield has given 33 years of dedicated service to the nation.

Bill Stubblefield served as a commissioned officer in the U.S. Navy from 1962 to 1968 aboard a minesweeper and an icebreaker, and then with the U.S. Navy's SOSUS network. In 1968, he resigned his commission from the Navy to further his education and received his Master's degree in Geology from the University of Iowa in 1971.

In July 1971 Admiral Stubblefield joined the NOAA Commissioned Corps as a Lieutenant in his home town of Medina, Tennessee, and attended the 38th NOAA Corps Basic Officer Training Class which was held at the United States Merchant Marine Academy in Kings Point, New York. After his commissioning, he was assigned to serve as a Junior Officer aboard the NOAA Ships *Pathfinder* and *Rainier,* conducting hydrographic surveys in California, Washington, and Alaska. His next assignment was ashore with the Environmental Research Laboratory, Office of Oceanic and Atmospheric Research, in Miami, Florida, as Deputy Director of the Marine Geology and Geophysics Division. For this work, he received a NOAA Corps Special Achievement Award.

Admiral Stubblefield returned to sea duty in December of 1975 as Operations Officer aboard the NOAA Ship *Researcher,* which conducted oceanographic and atmospheric research in the waters of the Atlantic Ocean.

From January 1978 to May 1979, Admiral Stubblefield attended full-time university training at Texas A&M University receiving his Ph.D. in geological oceanography. He returned to the Environmental Research Laboratory as a research oceanographer until 1981, when he was summoned back to sea as the Executive Officer of the NOAA Ship *Researcher.*

Following his sea assignment Admiral Stubblefield had tours of duty as the Scientific Support Coordinator of the southeastern Atlantic and Gulf coastal areas for the NOAA Office of Marine Pollution Assessment Hazardous Material Program and Technical Specialist for the NOAA Office of Sea Grant in Washington, D.C. Admiral Stubblefield was then assigned to the position of Chief Scientist for the NOAA Undersea Research Program.

He returned to sea in 1988 as Commanding Officer of the NOAA Ship *Surveyor* which conducted oceanic research from the Arctic to the Antarctic, including the north and south Pacific Ocean, Gulf of Alaska, and the Bering Sea. At the time, the *Surveyor* had attained the award of traveling the farthest north and south of any NOAA vessel at its time.

In 1990 he was assigned the position of Coordinator for the Fleet Modernization Study to assess the life expectancy of NOAA's ships and determine how to modernize NOAA's fleet to operate into the 21st century. For this work, he received the Department of Commerce Silver Medal, DOC's second highest award. In late 1990, Admiral Stubblefield became the Executive Director for the Office of Oceanic and Atmospheric Research, where he was responsible for the management and budget functions, international affairs, and administrative duties of this NOAA program office.

In August 1992, he was promoted to the rank of Rear Admiral, Lower Half and assigned as Deputy Director, Office of NOAA Corps Operations where he was responsible for the day-to-day operations of this staff office. In 1995, Admiral Stubblefield was selected for the position of Director, Office of NOAA Corps Operations and Director of the NOAA Commissioned Corps, and promoted to Rear Admiral, Upper Half, the highest position in the NOAA Corps.

Since Admiral Stubblefield became Director, the Office of NOAA Corps Operations has undergone many changes. He re-engineered the office to become more cost-efficient and customer oriented. He decommissioned five older ships, downsized the headquarters office by over 40 percent, both civilian and commissioned personnel, and reduced ship operating costs, while increasing the level of ship support.

Under his command, a new oceanographic ship, the *Ronald H. Brown,* was built and commissioned, and two former Navy ships were converted to conduct fisheries, oceanic, and atmospheric research. He also saw the new Gulfstream IV jet built and brought into operation to study the effects of El Niño last winter off the California coast and conduct hurricane reconnaissance this past hurricane season.

Also under his command, Admiral Stubblefield faced the most challenging task of his career, one that no head of a uniformed service would ever want to face—the decision to disestablish the NOAA Commissioned Corps. The Corps was under a hiring freeze that lasted for 4 years. Yet, Admiral Stubblefield still was able to maintain morale and fill the assignments required to operate the ships and aircraft.

This past October, when it became apparent the NOAA Corps plays a vital role for the country, the decision was made to retain the NOAA Corps. In January 1999, 17 new officers began their basic training at the Merchant Marine Academy in Kings Point, New York.

Admiral Stubblefield is an officer, a scientist, and a gentleman. I commend Bill for his tremendous accomplishments during his career and service to

the Nation, especially those over the past three years. Thanks to his efforts, NOAA is stronger, more efficient and will carry out its invaluable mission into the next century.●

TRIBUTE TO CAPTAIN ROBBIE BISHOP

● Mr. COVERDELL. Mr. President, I rise today to pay tribute to Captain Robbie Bishop of the Villa Rica Police Department in Villa Rica, Georgia, who was tragically slain in the line of duty on Wednesday, January 20, 1999, bringing his service which spanned a decade to the people of Georgia to an end. In addition, I would like to honor Captain Bishop's family for the sacrifice that they have made in the name of Freedom. He was a husband and father of two.

Captain Bishop, I understand, was known to have an extraordinary ability to detect drugs during the most routine traffic stops and was considered by some to be the best in the Southeast at highway drug interdiction. He was known to have seized thousands of pounds of illegal drugs and millions of dollars in cash. Police departments around the country solicited Captain Bishop's help to train their officers. In fact, it is believed that it was a routine traffic stop where he had, once again, detected illegal drugs that resulted in the sudden end to his remarkable career.

Once again, Mr. President, the work of law enforcement is an elegant and lofty endeavor but one that is fraught with terrible dangers. Captain Bishop knew of these threats, but still chose to serve on the front line, protecting Georgia citizens. As we discuss ways to continue our fight with the war on drugs, let us remember the lives of those like Captain Robbie Bishop who have fallen fighting this war.●

TRIBUTE TO PAUL MELLON—GIANT OF THE ARTS

● Mr. KENNEDY. Mr. President, America lost one of its greatest citizens and greatest patrons of the arts last week with the death of Paul Mellon. All of us who knew him admired his passion for the arts, his extraordinary taste and insights, and his lifelong dedication to our country and to improving the lives of others.

He was widely known and loved for many different aspects of his philanthropy in many states, including Massachusetts. Perhaps his greatest gift of all to the nation is here in the nation's capital—the National Gallery of Art. The skill and care and support which he devoted to the Gallery for over half a century brilliantly fulfilled his father's gift to the nation. He made the Gallery what it is today—a world-renowned museum containing many of the greatest masterpieces of our time and all time, a fitting and inspiring monument to the special place of the arts in America's history and heritage.

I believe that all Americans and peoples throughout the world who care about the arts are mourning the loss of Paul Mellon. We are proud of his achievements and his enduring legacy to the nation. We will miss him very much.

An appreciation of Paul Mellon by Paul Richard in the Washington Post last week eloquently captured his philosophy of life and his lifelong contributions to our society and culture, and I ask that it be printed in the RECORD.

The material follows:

[From the Washington Post, Feb. 3, 1999]

APPRECIATION—PAUL MELLON'S GREATEST GIFT: THE PHILANTHROPIST LEFT BEHIND A FINE EXAMPLE OF THE ART OF LIVING

(By Paul Richard)

Though it never came to anything, Paul Mellon once considered fitting every windowsill in Harlem with a box for growing flowers.

Mellon understood that Titians were important, that magic was important, that thoroughbreds and long hot baths and kindness were important, that thinking of the stars, and pondering the waves, and looking at the light on the geraniums were all important, too.

In a nation enamored of the lowest common denominators, what intrigued him were the highest. He spent most of his long life, and a vast amount of money, about $1 billion all in all, buying for the rest of us the sorts of private mental pleasures that he had come to value most—not just the big ones of great art, great buildings and great books, but the little ones of quietude, of just sitting in the sand amid the waving dune grass, looking out to sea.

He died Monday night at home at Oak Spring, his house near Upperville, Va. Cancer had weakened him. Mellon was 91.

Twenty-five years ago, while speaking at his daughter's high school graduation, that cheerful, thoughtful, courtly and unusual philanthropist delivered an assertion that could stand for his epitaph:

''What this country needs is a good five-cent reverie.

Mellon's money helped buy us the 28,625-acre Cape Hatteras National Seashore. He gave Virginia its Sky Meadows State Park. In refurbishing Lafayette Square, he put in chess tables, so that there's something to do there other than just stare at the White House. He gave $500,000 for restoring Monticello. He gave Yale University his collection of ancient, arcane volumes of alchemy and magic. He published the I Ching, the Chinese ''book of changes,'' a volume of oracles. And then there is the art.

I am deeply in his debt. You probably are, too.

If you've ever visited the National Gallery of Art, you have felt his hospitality. Its scholarship, its graciousness, its range and installations—all these are Mellonian.

It was Mellon, in the 1930s, who supervised the construction of its West Building, with its fountains and marble stairs and greenhouse for growing the most beautiful fresh flowers. After hiring I.M. Pei to design the East Building, Mellon supervised its construction, and then filled both buildings with art. Mellon gave the gallery 900 works, among them 40 by Degas, 15 by Cezanne, many Winslow Homers and five van Goghs—and this is just a part of his donations. His sporting pictures went to the Virginia Museum of Fine Arts in Richmond, and his British ones to Yale University, where Louis I. Kahn designed the fine museum that holds them.

At home, he hung the art himself. He never used a measuring tape; he didn't need to. He had the most observant eye.

''I have a very strong feeling about seeing things,'' he said once. ''I have, for example, a special feeling about how French pictures ought to be shown, and how English pictures ought to be shown. I think my interest in pictures is a bit the same as my interest in landscape or architecture, in looking at horses or enjoying the country. They all have to do with being pleased with what you see.''

He would not have called himself an artist, but I would. It was not just his collecting, or the scholarship he paid for, or the museums that he built, all of which were remarkable. Nobody did more to broadcast to the rest of us the profound rewards of art.

He was fortunate, and knew it. He had comfortable homes in Paris, Antigua, Manhattan and Nantucket, and more money than he needed. His Choate-and-Yale-and-Cambridge education was distinguished. So were his friends. Queen Elizabeth II used to come for lunch. His horses were distinguished. He bred Quadrangle and Arts and Letters and a colt named Sea Hero, who won the Kentucky Derby. ''A hundred years from now,'' said Mellon, ''the only place my name will turn up anywhere will be in the studbook, for I was the breeder of Mill Reef.'' His insistence on high quality might have marked him as elitist, but he was far too sound a character to seem any sort of snob.

His manners were impeccable. Just ask the gallery's older guards, or the guys who groomed his horses. When you met him, his eyes twinkled. He joked impishly and easily. Once, during an interview, he opened his wallet to show me a headline he had clipped from the Daily Telegraph: ''Farmer, 84, Dies in Mole Vendetta.'' He liked the sound of it.

There was an if-it-ain't-broke-don't-fix-it spirit to his luxuries. They were well patinaed. His Mercedes was a '68. His jet wasn't new, and neither were his English suits or his handmade shoes. The martinis he served—half gin, half vodka—were 1920s killers. There was a butler, but he shook them himself. He said he'd always liked the sound of ice cubes against silver.

Nothing in his presence told you that Paul Mellon had been miserable when young.

His childhood might easily have crushed him. His father, Andrew W. Mellon—one of the nation's richest men and the secretary of the Treasury—had been grim and ice-cube cold.

Paul Mellon loved him. It could not have been easy. ''I do not know, and I doubt anyone will ever know,'' he wrote, ''why Father was so seemingly devoid of feeling and so tightly contained in his lifeless, hard shell.''

His parents had warred quietly. Paul was still a boy when their marriage ended coldly, in a flurry of detectives. His sister, Ailsa, never quite recovered. Paul never quite forgot his own nervousness and nausea and feelings of inadequacy. It seems a stretch to use this term for someone born so wealthy, but Paul Mellon was a self-made man.

Most rich Americans, then as now, saw it as their duty to grow richer. Mellon didn't. When he found his inner compass, and abandoned thoughts of making more money, and said so to his father, he was 29 years old.

First he wrote himself a letter. ''The years of habit have encased me in a lump of ice, like the people in my dreams,'' he wrote. ''When I get into any personal conversation with Father, I become congealed and afraid to speak. . . . Business. What does he really expect me to do, or to be? Does he want me to be a great financier . . .? The mass of accumulations, the responsibilities of great financial institutions, appall me. My mind is not attuned to it. . . . I have some very important things to do still in my life, although I am not sure what they are. . . . I

want to do in the end things that I enjoy. . . . What does he think life is for? Why is business . . . more important than the acceptance and digestion of ideas? Than the academic life, say, or the artistic? What does it really matter in the end what you do, as long as you are being true to yourself?''

So Mellon changed his life. He gave up banking. He moved to Virginia. He started breeding horses. And then, in 1940, after having spent so many years at Cambridge and at Yale, Mellon went back to school. To St. John's College in Annapolis. To study the Great Books.

(Mellon later gave more than $13 million to St. John's.)

His path had been determined. Though deflected by World War II—he joined the cavalry, then the OSS—Mellon would continue on it for the rest of his long life. As his friend the mythologist Joseph Campbell might have put it (it was Mellon who published Campbell's ''The Hero With a Thousand Faces''), Paul Mellon had determined to follow his own bliss.

He was curious about mysticism, so he studied with Carl Jung. He liked deep, expansive books, so he began to publish the best he could discover. Bollingen Series, his book venture, eventually put out 275 well-made volumes, among them the I Ching, Andre Malraux's ''Museum Without Walls,'' Ibn Khaldun's ''The Muqadimah,'' Vladimir Nabokov's translations from Pushkin, and Kenneth Clark's ''The Nude.''

Because Mellon liked high scholarship, he started giving scholars money. Elias Caetti, who received his Nobel prize for literature in 1981, got his first Bollingen grant in 1985. Others—there were more than 300 in all—went to such thinkers as the sculptor Isamu Noguchi (who was paid to study leisure), the poet Marianne Moore, and the art historian Meyer Schapiro.

Because Mellon liked poetry, he established the Bollingen Prize for poetry. The first went to Ezra Pound, the second to Wallace Stevens.

Mellon loved horses. So he started buying horse pictures. He had had a great time at Cambridge—''I loved,'' he wrote, ''its gray walls, its grassy quadrangles, its busy, narrow streets full of men in black gowns . . . the candlelight, the coal-fire smell, and walking across the Quadrangle in a dressing gown in the rain to take a bath.''

Though America's libraries were full of English books, America's museums were not full of English art. It didn't really count. What mattered was French painting and Italian painting. Mellon didn't care. He thought that if you were reading Chaucer or Dickens or Jane Austen, you ought to have a chance to see what England really looked like. Mellon knew. He remembered. He remembered ''huge dark trees in rolling parks, herds of small friendly deer . . . soldiers in scarlet and bright metal, drums and bugles, troops of gray horses, laughing ladies in white, and always behind them and behind everything the grass was green, green, green.'' So Mellon formed (surprisingly inexpensively) and then gave away (characteristically generously) the world's best private collection of depictive English art.

He knew what he was doing. As he knew what he was doing when he took up fox hunting, competitive trail riding and the 20th-century abstract paintings of Mark Rothko and Richard Diebenkorn.

He was following his bliss.

He didn't really plan it that way. He just went for it. ''Most of my decisions,'' he said, ''in every department of my life, whether philanthropy, business or human relations, and perhaps even racing and breeding, are the results of intuition. . . . My father once described himself as a 'slow thinker.' It applies to me as well. The hunches or impulses that I act upon, whether good or bad, just seem to rise out of my head like one of those thought balloons in the comic strips.''

That wasn't bragging. Mellon wasn't a braggart. He wasn't being falsely modest, either. Mellon knew the value of what it was he'd done.

Mellon was a patriot, a good guy and a gentleman. He had a healthy soul. What he did was this:

With wit and taste and gentleness, with the highest self-indulgence and the highest generosity, he made the lives of all of us a little bit like his.●

NUCLEAR WASTE STORAGE

● Mr. LOTT. Mr. President, I rise today to express my commitment to make the Nuclear Waste Storage Bill an early priority during the 106th Congress. More than 15 years ago, Congress directed the Department of Energy (DOE) to take responsibility for the disposal of nuclear waste created by commercial nuclear power plants and our nation's defense programs.

Today there are more than 100,000 tons of spent nuclear fuel that must be dealt with. One year has now passed since the DOE was absolutely obligated under the NWPA of 1982 to begin accepting spent nuclear fuel from utility sites, and DOE is no closer today in coming up with a solution. This is unacceptable. The law is clear, and DOE must meet its obligation. If the Department of Energy does not live up to its responsibility, Congress will act.

I am encouraged that the House of Representatives has begun to address this issue. A bill introduced by Representative FRED UPTON and ED TOWNS of the House's Commerce Committee would set up a temporary storage site at Yucca Mountain, Nevada, for this waste until a permanent repository is approved and built. It is good to see bipartisan cosponsors for a safe, practical and workable solution for America's spent fuel storage needs. This solution is certainly more responsible than leaving waste at 105 separate power plants in 34 states across the nation. There are 29 sites which will reach capacity by the end of 1999. All of America's experience in waste management over the last twenty-five years of improving environmental protection has taught Congress that safe, effective waste handling practices entail centralized, permitted, and controlled facilities to gather and manage accumulated waste.

Mr. President, the management of used nuclear fuel should capitalize on this knowledge and experience. Nearly 100 communities have spent fuel sitting in their ''backyard,'' and it needs to be moved. This lack of storage capacity could very possibly cause the closing of several nuclear power plants. These affected plants produce nearly 20% of the United States' electricity. Closing these plants just does not make sense.

Nuclear energy is a significant part of America's energy future, and must remain part of the energy mix. America needs nuclear power to maintain our secure, reliable, and affordable supplies of electricity at the same time the nation addresses increasingly stringent air quality requirements. Nuclear power is one of the best ways America can address those who say global warming is a problem—a subject I'll leave for another day.

Both the House and the Senate passed a bill in the 105th Congress to require the DOE to build this interim storage site in Nevada, but unfortunately this bill never completed the legislative process. I challenge my colleagues in both chambers of the 106th Congress to get this environmental bill done. The citizens, in some 100 communities where fuel is stored today, challenge the Congress to act and get this bill done. This nuclear industry has already committed to the federal government about $15 billion toward building the facility. In fact, the nuclear industry continues to pay about $650 million a year in fees for storage of spent fuel. It is time for the federal government to live up to its commitment. It is time for the federal government to protect those 100 communities.

To ensure that the federal government meets its commitment to states and electricity consumers, the 106th Congress must mandate completion of this program—a program that includes temporary storage, a site for permanent disposal, and a transportation infrastructure to safely move used fuel from plants to the storage facility.

Mr. President, this federal foot dragging is unfortunate and unacceptable, so clearly the only remedy to stopping these continued delays is timely action in the 106th Congress on this legislation.●

RECOGNITION OF NATHAN SCHACHT

● Mr. GORTON. Mr. President, I rise today to commend and congratulate Nathan Schacht of Walla Walla, Washington, who was awarded the rank of Eagle Scout rank, the Boy Scout of America's highest honor, on January 19, 1999.

Nathan is the son of Don and Margaret Schacht and a sophomore at DeSales Catholic High School. He began scouting five years ago with the Eastgate Lions Troop 305 and moved onto the Cub Scout program with Pack 309.

Nathan and I share a common love for the outdoors. During his tenure with the Boy Scouts he logged over 70 miles of hiking and 70 miles of canoeing; earned the 50 Miler Afloat award; camped 63 nights and earned 31 merit badges. He recently completed his term as Senior Patrol Leader for Troop 305. He has been a member of the Order of the Arrow since 1996 and was awarded his Eagle Cap Credentials in 1997.

His Eagle project involved building a recycling center for Assumption Elementary School. He spent over 115 hours planning and carrying out this

project which included contacting donors for the materials and working with the volunteers in all phases of the project. He secured over $700 in donated materials and 261 hours of volunteer time.

Nathan also participates in other activities in his school and community. He participates in the football, basketball, and golf programs at DeSales High School, as well as band, drama and National Honor Society. He has served as a page in the Washington State House of Representatives and as an altar server for the past seven years at Assumption Catholic Church.

I am confident that Nathan will continue to be a positive role model among his peers, a leader in his community and a friend to those in need. I extend my sincerest congratulations and best wishes to him. His achievement of Eagle Scout and significant contributions to the Walla Walla community are truly outstanding.●

ON THE MOTIONS TO OPEN TO THE PUBLIC THE FINAL DELIBERATIONS ON THE ARTICLES OF IMPEACHMENT

● Mr. LEAHY. In relation to the earlier vote, I have these thoughts. Accustomed as we and the American people are to having our proceedings in the Senate open to the public and subject to press coverage, the most striking prescription in the ''Rules of Procedure and Practice in the Senate when Sitting on Impeachment Trials'' has been the closed deliberations required on any question, motion and now on the final vote on the Articles of Impeachment.

The requirement of closed deliberation more than any other rule reflects the age in which the rules were originally adopted in 1868. Even in 1868, however, not everyone favored secrecy. During the trial of President Johnson, the senior Senator from Vermont, George F. Edmunds, moved to have the closed deliberations on the Articles transcribed and officially reported ''in order that the world might know, without diminution or exaggeration, the reasons and views upon which we proceed to our judgment.'' [Cong. Globe Supp'l, Impeachment Trial of President Andrew Johnson, 40th Cong., 2d Sess., vol. 4, p. 424.] The motion was tabled.

In the 130 years that have passed since that time, the Senate has seen the advent of television in the Senate Chamber, instant communication and rapid news cycles, distribution of Senate documents over the Internet, the addition of 46 Senators representing 23 additional States, and the direct election of Senators by the people in our States.

Opening deliberations would help further the dual purposes of our rules to promote fairness and political accountability in the impeachment process. I supported the motion by Senators HARKIN, WELLSTONE and others to suspend this rule requiring closed deliberations and to open our deliberations on Senator BYRD's motion to dismiss and at other points earlier in this trial. We were unsuccessful. Now that we are approaching our final deliberations on the Articles of Impeachment, themselves, I hope that this secrecy rule will be suspended so that the Senate's deliberations are open and the American people can see them. In a matter of this historic importance, the American people should be able to witness their Senators' deliberations.

Some have indicated objection to opening our final deliberations because petit juries in courts of law conduct their deliberations in secret. Analogies to juries in courts of law are misplaced. I was privileged to serve as a prosecutor for eight years before I was elected to the Senate. As a prosecutor, I represented the people of Vermont in court and before juries on numerous occasions. I fully appreciate the traditions and importance of allowing jurors to deliberate and make their decisions privately, without intrusion or pressure from the parties, the judge or the public. The sanctity of the jury deliberation room ensures the integrity and fairness of our judicial system.

The Senate sitting as an impeachment court is unlike any jury in any civil or criminal case. A jury in a court of law is chosen specifically because the jurors have no connection or relation to the parties or their lawyers and no familiarity with the allegations. Keeping the deliberations of regular juries secret ensures that as they reach their final decision, they are free from outside influences or pressure.

As the Chief Justice made clear on the third day of the impeachment trial, the Senate is more than a jury; it is a court. Courts are called upon to explain the reasons for decisions.

Furthermore, to the extent the Senate is called upon to evaluate the evidence as is a jury, we stand in different shoes than any juror in a court of law. We all know many of the people who have been witnesses in this matter; we all know the Republican Managers—indeed, one Senator is a brother of one of the Managers; and we were familiar with the underlying allegations in this case before the Republican Managers ever began their presentation.

Because we are a different sort of jury, we shoulder a heavier burden in explaining the reasons for the decisions we make here. I appreciate why Senators would want to have certain of our deliberations in closed session: to avoid embarrassment to and protect the privacy of persons who may be discussed. Yet, on the critical decisions we are now being called upon to make our votes on the Articles themselves, allowing our deliberations to be open to the public helps assure the American people that the decisions we make are for the right reasons.

In 1974, when the Senate was preparing itself for the anticipated impeachment trial of former President Richard Nixon, the Committee on Rules and Administration discussed the issue of allowing television coverage of the Senate trial. Such coverage did not become routine in the Senate until later in 1986. In urging such coverage of the possible impeachment trial of President Nixon, Senator Metcalf (D-MT), explained:

> Given the fact that the party not in control of the White House is the majority party in the Senate, the need for broadcast media access is even more compelling. Charges of a 'kangaroo court,' or a 'lynch mob proceeding' must not be given an opportunity to gain any credence whatsoever. Americans must be able to see for themselves what is occurring. An impeachment trial must not be perceived by the public as a mysterious process, filtered through the perceptions of third parties. The procedure whereby the individual elected to the most powerful office in the world can be lawfully removed must command the highest possible level of acceptance from the electorate.'' (Hrg. August 5 and 6, 1974, p. 37).

Opening deliberation will ensure complete and accurate public understanding of the proceedings and the reasons for the decisions we make here. Opening our deliberations on our votes on the Articles would tell the American people why each of us voted the way we did.

The last time this issue was actually taken up and voted on by the Senate was more than a century ago in 1876, during the impeachment trial of Secretary of War William Belknap. Without debate or deliberation, the Senate refused then to open the deliberations of the Senate to the public. That was before Senators were elected directly by the people of their State, that was before the Freedom of Information Act confirmed the right of the people to see how government decisions are made. Keeping closed our deliberations is wholly inconsistent with the progress we have made over the last century to make our government more accountable to the people.

Constitutional scholar Michael Gerhardt noted in his important book, ''The Federal Impeachment Process,'' that ''the Senate is ideally suited for balancing the tasks of making policy and finding facts (as required in impeachment trials) with political accountability.'' Public access to the reasons each Senator gives for his vote on the Articles is vital for the political accountability that is the hallmark of our role.

I likewise urge the Senate to adjust these 130-year-old rules to allow the Senate's votes on the Articles of Impeachment to be recorded for history by news photographers. This is an momentous official and public event in the annals of the Senate and in the history of the nation. This is a moment of history that should be documented for both its contemporary and its lasting significance.

Open deliberation ensures complete accountability to the American people. Charles Black wrote that presidential impeachment ''unseats the person the

people have deliberately chosen for the office.'' ''Impeachment: A Handbook,'' at 17. The American people must be able to judge if their elected representatives have chosen for or against conviction for reasons they understand, even if they disagree. To bar the American people from observing the deliberations that result in these important decisions is unfair and undemocratic.

The Senate should have suspended the rules so that our deliberations on the final question of whether to convict the President of these Articles of Impeachment were held in open session.

I ask that following my remarks a copy of the Application of Cable News Network, submitted by Floyd Abrams and others, be printed in the RECORD.

The material follows:

IN THE U.S. SENATE SITTING AS A COURT OF IMPEACHMENT

In re

IMPEACHMENT OF WILLIAM JEFFERSON CLINTON, PRESIDENT OF THE UNITED STATES

APPLICATION OF CABLE NEWS NETWORK FOR A DETERMINATION THAT THE CLOSURE OF THESE PROCEEDINGS VIOLATES THE FIRST AMENDMENT TO THE UNITED STATES CONSTITUTION

To: The Honorable William H. Rehnquist and The Honorable Members of the U.S. Senate

Cable News Network (''CNN'') respectfully submits this application for a determination that the First Amendment to the United States Constitution requires that the public be permitted to attend and view the debates, deliberations and proceedings of the United States Senate as to the issue of whether President William Jefferson Clinton shall be convicted and as to other related matters.

INTRODUCTION

Under Rules VII, XX and XXIV of the ''Rules of Procedure and Practice in the Senate When Sitting On Impeachment Trials,'' the Senate has determined to sit in closed session during its consideration of various issues that have arisen during these impeachment proceedings. Motions to suspend the rules have failed and the debates among members of the Senate as to a number of significant matters have been closed. As the final debates and deliberations approach at which each member of the Senate will voice his or her views on the issue of whether President Clinton should be convicted or acquitted of the charges made, the need for the closest, most intense public scrutiny of the proceedings in this body increases. By this application, CNN seeks access for the public to observe those debates, as well as other proceedings that bear upon the resolution of the impeachment trial. The basis of this application is the First Amendment to the Constitution of the United States.

We make this application mindful that deliberations upon impeachment were conducted behind ''closed doors'' at the last impeachment trial of a President, in 1868. We are, as well, mindful of the power of the Senate—consistent with the power conferred upon it in Article I, Section 3 of the Constitution—to exercise full control over the conduct of impeachment proceedings held before it. In so doing, however, the Senate must itself be mindful of its unavoidable responsibility to adopt rules and procedures consistent with the entirety of the Constitution as it is now understood and as the Supreme Court has interpreted it.

The commands of the First Amendment, we urge, are at war with closed-door impeachment deliberations. If there is one principle at the core of the First Amendment it is that, as Madison wrote, ''the censorial power is in the people over the Government, and not in the Government over the people.'' 4 Annals of Congress, p. 934 (1794). That proposition in turn is rooted in the expectation that citizens—the people—will have the information that enables them to judge government and those in government. The right and ability of citizens to obtain the information necessary for self-government is indeed at the heart of the Republic itself: ''a people who mean to be their own Governors,'' Madison also wrote, ''must arm themselves with the power which knowledge gives.'' James Madison, Letter to W.T. Barry, in 9 Writings of James Madison 103 (G. Hunt ed., 1910). As Chief Justice Warren Burger observed, writing for the Supreme Court in 1980 in one of its many recent rulings vindicating the principle of open government: ''People in an open society do not demand infallibility from their institutions, but it is difficult for them to accept what they are prohibited from observing.'' *Richmond Newspapers, Inc.* v. *Virginia*, 448 U.S. 555, 572 (1980). Those very words could well have been written about the proceedings before the Senate today.

All agree that the impeachment of a President presents the most solemn question of self-government that a free society can ever confront. All should also agree that the public ought to have the most complete information about each decision made by the body responsible for ruling upon that impeachment. Should the Senate vote to convict, a President duly elected twice by the public will be removed from office. Does not a self-governing public have the most powerful interest in being informed about every aspect of that decision and why it was taken? Should the Senate vote to acquit, the President will not be removed in the face of impeachment proceedings in which the majority in the House branded him a criminal. Can it seriously be doubted that the public possesses just as profound a right to know why?

Only recently—and only during this century (and well after the trial of Andrew Johnson)—has our commitment to the principle that debate on public issues should be open become not merely a nationally shared philosophy but an element embedded in constitutional law as well. But deeply-rooted in the law it has become. It is thus no answer to observe that impeachment deliberations in the Senate were closed in the nineteenth century. The Senate has a duty to consider the transformation of First Amendment principles since that time in determining whether it is now constitutionally permissible to close impeachment deliberations on the eve of the twenty-first century. If, as is also true, the Senate, rather than the Supreme Court, was chosen to try impeachments precisely because its members are ''the representatives of the nation,'' Federalist No. 65, and as such possess a greater ''degree of credit and authority'' than the Supreme Court to carry out the task of determining the fate of a President,[1] that ''credit and authority'' can only be brought to bear if the process by which judgment is reached is open to the public.

THE OBLIGATION OF CONGRESS TO ACCOUNT FOR AND ABIDE BY THE FIRST AMENDMENT

As we have said, we are mindful of the language of Article I, Section 3, according the Senate the ''sole Power to try all Impeachments.'' *See Nixon* v. *United States*, 506 U.S. 224 (1993) (according the Senate broad discretion to choose impeachment procedures). But this very delegation of authority to the Senate, a delegation that makes most issues concerning impeachment rules ''non-justiciable'', *see Nixon, supra*, also imposes on this body a very special responsibility to ensure that those rules comply with constitutional mandates.[2] Congress itself—the very entity against which the First Amendment affords the most explicit protection[3]—is bound to abide by the First Amendment. The Constitution is ''the supreme Law of the Land,'' U.S. Const., art. VI, para. 2, and all ''Senators and Representatives . . . shall be bound by Oath or Affirmation, to support'' it. *Id.* para. 3. The Supreme Court has repeatedly recognized that Congress is itself obligated to interpret the Constitution in exercising its authority. *See, e.g., Rostker* v. *Goldberg*, 453 U.S. 57, 64 (1981) (''Congress is a coequal branch of government whose Members take the same oath we do to uphold the Constitution of the United States.''). And in promulgating its rules the Congress must, of course, abide by the Constitution: ''The constitution empowers each house to determine its rules and proceedings. It may not by its rules ignore constitutional restraints or violate fundamental rights. . . .'' *United States* v. *Ballin*, 144 U.S. 1, 5 (1892), quoted in *Consumers Union of United States, Inc.* v. *Periodical Correspondents' Assoc.*, 515 F.2d 1341, 1347 (D.C. Cir. 1975), *cert. denied*, 423 U.S. 1051 (1976); *see Watkins* v. *United States*, 354 U.S. 178, 188 (1957).

THE COMMAND OF THE FIRST AMENDMENT

The architecture of free speech law—and, in particular, that law placed in the context of access to information as to how and why government power is being exercised—could not more strongly favor the broadest dissemination of information about, and comment on, government. The foundation of the First Amendment is, in fact, our republican form of government itself. As the Supreme Court recognized in the landmark free speech decision, *New York Times Co.* v. *Sullivan*, 376 U.S. 254 (1964): ''. . . the Constitution created a form of government under which '[t]he people, not the government possess the absolute sovereignty.' The structure of the government dispersed power in reflection of the people's distrust of concentrated power, and of power itself at all levels. This form of government was 'altogether different' from the British form, under which the Crown was sovereign and the people were subjects.'' *Id.* at 274 (quoting Reporting of the General Assembly of Virginia, 4 Elliot's Debates). In *Sullivan*, a unanimous Court determined that the ''altogether different'' form of government ratified by the Founders necessitated an altogether ''different degree of freedom'' as to political debate than had existed in England. *Id.* at 275 (citation omitted). It was in the First Amendment that this unique freedom was enshrined and protected.

For the Court, the ''central meaning of the First Amendment,'' 376 U.S. at 273, was the ''right of free public discussion of the stewardship of public officials. . . .'' *Id.* at 275. Thus, the First Amendment ''was fashioned to assure unfettered interchange of ideas for the bringing about of political and social changes desired by the people.'' *Roth* v. *United States*, 354 U.S. 476, 484. ''The maintenance of the opportunity for free political discussion to the end that government may be responsive to the will of the people and that changes may be obtained by lawful means, an opportunity essential to the security of the Republic, is a fundamental principle of our constitutional system.'' *Stromberg* v. *California*, 283 U.S. 359, 369. *Id.* at 269.[4]

The decision in *Sullivan* related specifically to libel law. But what made *Sullivan* so

---

Footnotes at end of document.

transformative—what made it, as the eminent First Amendment scholar Alexander Meiklejohn remarked, cause for ''dancing in the streets''[5]—was this: it recognized (in Madison's words) that ''[t]he people, not the government, possess the absolute sovereignty.'' *Sullivan,* 376 U.S. at 274. It emphasized that the First Amendment protected the ''citizen-critic'' of government. *Id.* at 282. It barred government itself from seeking damages from insults directed at it by its citizens. And it declared that ''public discussion is a political duty.'' *Id.* at 270.

In the decades following *Sullivan,* these notions became embedded in the First Amendment—and thus the rule of law—through dozens of rulings of the Supreme Court. In particular, and following from, the First Amendment protection of public discussion is the right of the public to receive information about government. The First Amendment is not merely a bar on the affirmative suppression of speech; as Chief Justice Rehnquist has observed, ''censorship . . . as often as not is exercised not merely by forbidding the printing of information in the possession of a correspondent, but in denying him access to places where he might obtain such information.'' William H. Rehnquist, ''The First Amendment: Freedom, Philosophy, and the Law,'' 12 Gonz. L. Rev. 1, 17 (1976).

And, indeed, the Supreme Court has repeatedly affirmed Chief Justice Rehnquist's insight. ''[T]he First Amendment goes beyond protection of the press and the self-expression of individuals to prohibit government from limiting the stock of information from which members of the public may draw.'' *First National Bank of Boston* v. *Bellotti,* 435 U.S. 765, 783 (1978); *Accord Kleindienst* v. *Mandel,* 408 U.S. 753, 762 (1972) (''In a variety of contexts this Court has referred to a First Amendment right to 'receive information and ideas.' '').

The Supreme Court has thus ruled on four occasions that the First Amendment creates a right for the public to attend and observe criminal trials and related judicial proceedings, absent the most extraordinary of circumstances. *Richmond Newspapers, Inc.* v. *Virginia,* 448 U.S. 555 (1980); *Globe Newspaper Co.* v. *Superior Court,* 457 U.S. 596 (1982); *Press-Enterprise Co.* v. *Superior Court,* 464 U.S. 501 (1984); *Press-Enterprise Co.* v. *Superior Court,* 478 U.S. 1 (1986). The cases are particularly relevant to this application because they—perhaps more clearly than any others—illustrate the core constitutional principle that government may not arbitrarily foreclose the opportunity for citizens to obtain information central to the decisions they make—and the judgments they render—about government itself.

The teaching of this quartet of cases was aptly articulated by another Chief Justice, Warren Burger, writing for the Court in *Richmond Newspapers,* the first of the four decisions. The First Amendment, he wrote, ''assur[es] freedom of communication on matters relating to the functioning of government.'' 448 U.S. at 575. Noting the centrality of the openness in which trials were conducted to that end, *id.* at 575, the Court stated that openness was an ''indispensable attribute of an Anglo-American trial.'' *Id.* at 569. It had assured that proceedings were conducted fairly, and it had ''discouraged perjury, the misconduct of participants, and decisions based on secret bias''. *Id.* Most significantly, open trials had provided public acceptance of and support for the entire judicial process. It was with respect to this benefit of openness—the legitimacy it provides to the actions of government itself—that Chief Justice Burger (in the passage quoted above), observed that ''[p]eople in an open society do not demand infallibility from their institutions, but it is difficult for them at accept what they are prohibited from observing.'' *Id.* at 562.[6]

To be sure, the Chief Justice in *Richmond Newspapers* rested heavily on the tradition of openness of criminal trials themselves—a difference of potential relevance because impeachment debates and deliberation have historically been conducted in secret. But, taken together, *Richmond Newspapers* and its progeny stand for propositions far broader than the constitutional value of any specific historical practice. The sheer range of proceedings endorsed as open by the Supreme Court suggests the importance under the First Amendment of public observation of the *act* of doing justice. Moreover, Supreme Court precedent itself suggests that the crucial right to see justice done prevails even where the specific kind of proceeding at issue had a history of being closed to the public. In *Globe Newspaper Co.,* the Court ruled that the First Amendment barred government from closing of trials of sexual offenses involving minor victims. It did so despite the ''long history of exclusion of the public from trials involving sexual assaults, particularly those against minors.'' 457 U.S. at 614 (Burger, C.J., dissenting).

New York Times Co. v. *Sullivan* and *Richmond Newspapers* have significance which sweep far beyond their holdings that debate about public figures must be open and robust and that trials must be accessible to the public. Both cases—and all the later cases they have spawned—are about the centrality of openness to the process of self-governance. ''[T]he right of access to criminal trials plays a particularly significant role in the functioning of the judicial process and the government as a whole. Public scrutiny of a criminal trial enhances the quality and safeguards the integrity of the fact-finding process, with benefits to both the defendant and to society as a whole. . . . And in the broadest terms, public access to criminal trials permits the public to participate in and serve as a check upon the judicial process—an essential component in our structure of self government.'' *Globe Newspaper Co.,* 457 U.S. at 606.

The First Amendment principles set forth above lead inexorably to a straightforward conclusion: the Senate should determine as a matter of First Amendment law that the public may attend and observe its debates and deliberations about the impeachment of President Clinton. No issue relates more to self-government. No determinations will have more impact on the public. No judgment of the Senate should be subject to more—and more informed—public scrutiny.

We are well aware that it is sometimes easier to be subjected to less public scrutiny and that some have the perception (which has sometimes proved accurate) that more can be accomplished more quickly in secret than in public. But this is, at its core, an argument against democracy itself, against the notion that it is the public itself which should sit in judgment on the performance of this body. It is nothing less than a rejection of the First Amendment itself. What Justice Brennan said two decades ago in the context of judicial proceedings is just as applicable here: ''Secrecy of judicial action can only breed ignorance and distrust of courts and suspicion concerning the competence and impartiality of judges; free and robust reporting, criticism, and debate can contribute to public understanding of the rule of law and to comprehension of the functioning of the entire criminal justice system, as well as improve the quality of that system by subjecting it to the cleansing effects of exposure and public accountability.'' *Nebraska Press Ass'n* v. *Stuart,* 427 U.S. 539, 587 (1976) (Brennan, J., concurring).

That it is the tradition of this body to conduct impeachment deliberations in closed session is not irrelevant. But neither should it be governing. The Senate has, after all, conducted only one presidential impeachment trial before this one. Our society in 1868—and, more significantly still, our law in 1868—was far different than it is today. As we have demonstrated, First Amendment jurisprudence as we know it—as it governs us and binds the Senate—is essentially a creature of the twentieth century. That jurisprudence assures public scrutiny, not public ignorance.

There are, to be sure, certain limited instances when closure of Senate deliberations may serve useful purposes, such as when they involve disclosure of matters of national security. But no such concerns are present here. And however proper it may be to analogize the Senate in some ways to a jury, none of the considerations that permits juries to deliberate out of the public eye are present here. The identities of the ''jurors'' her are well known, as, under the Senate rules, will be how each one voted. The Constitution does not offer protection to the ''jurors'' here from the force of public opinion for their votes for or against the conviction of President Clinton. They will face the full weight of public approval or rejection the next time they seek re-election. The Constitution does require that the reasons they give for their votes and other statements made in the course of debate be made in public so that both the debate and the votes themselves can be assessed by the people—the ultimate ''Governors'' in this republic.

CONCLUSION

From the time these proceedings commenced in the House of Representatives through the submission of this application, members of the Congress have repeatedly—and undoubtedly correctly—referred to the weighty constitutional obligations imposed upon them by this process. This application focuses on yet another constitutional obligation of the members of the Senate, an obligation reflected in the oath of office itself. it is that of adhering to the First Amendment. We urge the Senate to do so by permitting the public to observe its deliberations.

Dated: New York, NY, January 29, 1999.

Respectfully submitted,

DAVID HOKLER,
Senior Vice President and General Counsel, Cable News Network;
FLOYD ABRAMS,
DEAN RINGEL,
SUSAN BUCKLEY,
JONATHAN SHERMAN,
Cahill Gordon & Reindel; Counsel for Applicant Cable News Network.

FOOTNOTES

[1] Federalist No. 65; *see Nixon* v. *United States,* 506 U.S. 224, 233–34 (1993).

[2] It is precisely because the Senate possesses this power over its own rules that this application is made to the Senate rather than to any court.

[3] ''Congress shall make no law . . . abridging the freedom of speech, or of the press . . . .''

[4] *See* Thomas Emerson, The System of Freedom of Expression 7 (1970); John Hart Ely, Democracy and Distrust 93–94 (1980); Robert Bork, Neutral Principles and Some First Amendment Problems, 47 Ind. L.J. 1, 23 (1971); *see generally* Alexander Meiklejohn, Free Speech and Its Relation to Self-Government (1948).

[5] Harry Kalven, *The New York Times Case: A Note on ''The Central Meaning of the First Amendment,''* 1964 Supp. Ct. Rev. 191 ,211 n. 125.

[6] The right of the public and the press to have access ''to news or information concerning the operations and activities of government,'' a right predicated in part on the principles set forth in cases

such as *Richmond Newspapers* and its progeny, has been recognized in a variety of contexts outside the courtroom. *Cable News Network, Inc.* v. *American Broadcasting Companies, Inc.*, 518 F. Supp. 1238, 1243 (N.D. Ga. 1981) (court enjoins Executive's expulsion of television networks from press travel pool covering the President); *see also Sherrill* v. *Knight*, 569 F.2d 124 (D.C. Cir. 1977) (court requires White House to publish standards for denying press accreditation on security grounds).●

IMPEACHMENT TRIAL—FINDINGS OF FACT PROPOSALS

● Mr. FEINGOLD. Mr. President, on January 28, I was the only Democratic senator to cross party lines and oppose the motion to dismiss. I felt it would be unwise to end this trial prior to a more complete presentation of evidence and a final vote on the Articles of Impeachment themselves. Nonetheless, I had no doubt that a motion to dismiss was a constitutional way to end the trial, if a majority of senators had supported the motion.

The Senate must keep in mind at every step in this process that our actions will be scrutinized not just by our constituents today and for the rest of the trial, but also by history. If another impeachment trial should occur 130 years from now, the record of this trial will serve as an important precedent for the Senate as it determines how to proceed. It is our responsibility to abide by the Constitution as closely as possible throughout the remainder of this trial. My votes on House Managers' motions on February 4 were based on the same concerns about prudence and precedent that motivated my earlier votes on the motion to dismiss and calling witnesses.

With the judgment of history awaiting us, I did have serious concerns about the constitutionality of proposals that the Senate should adopt so-called ''Findings of Fact'' before the Senate votes on the Articles of Impeachment themselves. It now appears that support for such proposals has waned, and the Senate will not be called upon to vote on them. Nonetheless, I want to explain my opposition to such proposals for the record.

Findings of Fact would allow a simple 51 vote majority of the Senate to state the judgment of the Senate on the facts of this case and, in effect, to determine the President's ''guilt'' of the crimes alleged in the Articles. But the Constitution specifically requires that two-thirds of the Senate must convict the President on the Articles in order to impose any sanction on him. The specific punishment set out by the Constitution if the Senate convicts is removal from office, and possibly disqualification from holding future office.

The supermajority requirement makes the impeachment process difficult, and the Framers intended that it be difficult. They were very careful to avoid making conviction and removal of the President something that could be accomplished for purely partisan purposes. In only 23 out of 105 Congresses and in only six Congresses in this century has one party held more than a 2/3 majority in the Senate. Never in our history has a President faced a Senate controlled by the other party by more than a 2/3 majority. (The Republican party had nearly 80 percent of the seats in the Senate that in 1868 tried Andrew Johnson. Johnson was at that time also a Republican, although he had been a Democrat before being chosen by Abraham Lincoln to be his Vice-President in 1864.) The great difficulty of obtaining a conviction in the Senate on charges that are seen as motivated by partisan politics has discouraged impeachment efforts in the past. Adding Findings of Fact to the process would undercut this salutary effect of the supermajority requirement for conviction.

The Senate must fulfill its constitutional obligation and determine whether the President's acts require conviction and removal. The critical constitutional tool of impeachment should not be available simply to attack or criticize the President. Impeachment is a unique. It is the sole constitutionally sanctioned encroachment on the principle of separation of powers, and it must be used sparingly. If Findings of Fact had been adopted in this trial, it would have set a dangerous precedent that might have led to more frequent efforts to impeach.

The ability of a simple majority of the Senate to determine the President's guilt of the crimes alleged would distort the impeachment process and increase the specter of partisanship. When the Senate is sitting as a court of impeachment, its job is simply to acquit or convict. And that is the only judgment that the Senate should make during an impeachment trial.●

MOTIONS PERTAINING TO WITNESS DEPOSITIONS AND TESTIMONY

● Mr. DODD. Mr. President, on Thursday, February 4th, the Senate, sitting as a court of impeachment, considered several motions pertaining to the depositions and live testimony of witnesses Monica Lewinsky, Vernon Jordan, and Sidney Blumenthal. I wish to speak briefly on the important issues raised by several of these motions.

First, let me say that I am pleased that the Senate, by a bipartisan vote of 30–70, voted not to compel the live testimony of Ms. Lewinsky. In my view, this was a sound decision to support the expeditious conduct of this trial, preserve the decorum of the Senate, and respect the privacy of this particular witness.

Unfortunately, the Senate retreated from these same worthy aims in deciding to permit the videotaped depositions of Ms. Lewinsky, Mr. Jordan, and Mr. Blumenthal to be entered into evidence and broadcast to the public. I believe that this decision was erroneous for three basic reasons:

First, it needlessly prolonged the trial. Prior to February 4th, Senators had an opportunity to view the depositions of each of these witnesses—not once, but repeatedly. Numerous times we could have viewed the content of their testimony, the tone of their answers, and their demeanor while under oath. By requiring that Senators view portions of these depositions again on the Floor, in whole or in part, the Managers' motion unnecessarily required the Senate to convene for an entire day. We learned nothing by viewing excerpts of the depositions on the Floor that we had not already had an opportunity to learn by viewing those depositions previously, either on videotape or, in the case of myself and five other Senators, in person.

Second, allowing the depositions to be publicly aired on the Senate Floor exaggerated their importance. Even Manager HYDE has acknowledged that these depositions broke no material new ground in this case. Allowing their broadcast thus was not only an injudicious use of the Senate's time. It also elevated the significance of this particular testimony over all other sworn testimony taken in this matter—solely by virtue of the fact that it was recently videotaped. Broadcasting these minuscule and marginal portions of the record—while not broadcasting other depositions—does not illuminate the record so much as distort it. The distortion is only compounded by broadcasting selected portions of those depositions rather than the depositions in their entirety. The President's counsel obviously had an opportunity to rebut the Managers' presentation and characterization of those portions. However, that rebuttal only underscores the fact that the Managers' motion to use these videotapes gave the videotapes a prominence and gravity that they do not merit.

Thirdly, under the circumstances, publicly airing portions of these depositions constituted a needless invasion of the privacy of the witnesses whose testimony was videotaped. Let us remember that these individuals are not public figures who have willingly surrendered a portion of their privacy as a consequence of their freely chosen status. They are private citizens, reluctantly drawn into legal proceedings. They have attempted to discharge their obligations in those proceedings. But that obligation does not extend to the public broadcast of their videotaped depositions—particularly given that they have testified repeatedly before, and that their videotaped testimony contains no new material information. The privacy rights of these individuals deserved greater consideration by the Managers and by the Senate. The Managers did not need to force the images of these witnesses into the living rooms and family rooms of America in order to present their case. And the Senate did not need to allow that to happen in order to meet its constitutional responsibility in this matter.

For these reasons, Mr. President, I opposed the Managers' motion to

broadcast the deposition videotapes. In my view, the time has come to bring this matter to an end. The record is voluminous, the arguments have been made. We know enough to decide the questions before us. That is why I supported Senator DASCHLE's motion to proceed to final arguments and a vote on each of the Articles of Impeachment. I regret that his motion was not adopted, and that instead the Senate decided to needlessly prolong this matter without sufficient regard for the privacy of the witnesses deposed last week. However, that said, I am pleased that, barring any unforseen developments, this trial will at last conclude later this week. It is time for the Senate to move on to the other important business of the country that we were elected to address.●